

ice. In the case of political appointees, the committee might be of another mind.

The Chairman directed the Department of State to be informed that none of the recess appointments would be acted upon until they returned to the United States and were seen by the committee. This was amended to approve for report the routine list of Foreign Service appointments only, but to withhold action on the Class Eight sections of same until a sampling of these Class Eight appointees could be brought before the committee. The Chairman also directed the Department of State be notified that political appointees hereafter would be seen, and the Department should make its travel plans for them to conform accordingly. This was not to be construed to career persons, already on post, and who had been seen before, unless a committee member desired their appearance.

For a record of the proceedings, see the official transcript.  
[The committee then adjourned at 11:55 a.m.]

# BRIEFING ON CUBAN DEVELOPMENTS

FRIDAY, JANUARY 25, 1963

U.S. SENATE,  
SUBCOMMITTEE ON AMERICAN REPUBLICS AFFAIRS  
OF THE COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10 a.m., in room S-116, U.S. Capitol Building, Senator Wayne Morse (chairman of the subcommittee) presiding.

Present: Senators Morse (presiding), Sparkman, Hickenlooper, and Aiken.

Also present: Senators Fulbright (chairman of the full committee), Humphrey, Mansfield, Lausche, Symington and Carlson.

Senator [John] Stennis of Mississippi.

Mr. Marcy, Mr. Holt and Mr. Henderson of the committee staff.

Senator MORSE. All right, gentlemen, this briefing session will come to order. The chairman wants to make a statement that this committee is in no way responsible for the news story that this committee is starting an investigation of Cuba.

As Dr. Marcy can tell the committee, when the AP, Mr. Tony Vaccaro, brought to this committee room a story from the New York Times, which I shall put into the record in a moment, and asking for a statement, I said I knew nothing about it. I said I would simply call the State Department to give us an early briefing as to any knowledge they have as to the allegations made in the story.

In my presence Dr. Marcy called the State Department and notified them of my desire to have a briefing before my subcommittee. The Secretary of State, as usual, in his spirit of wonderful cooperation with the Foreign Relations Committee, agreed to set up this morning at 10 o'clock for the briefing.

## CIRCUMSTANCES BEHIND THE SESSION

But I want this record to show the circumstances that brought this briefing session into being. I shall insert into the record at this time a copy of the New York Times article of January 23, an AP story, and for the benefit of the subcommittee I will read it; it is very brief.

The New York Times News Service said today Soviet forces in Cuba are reported working around the clock building and improving "highly sophisticated ground and air defenses."

A Washington-dated dispatch by Tad Szulc said private reports from Havana, confirmed in part by American experts on the Cuban situation, relate that large shipments of weapons and other materials are continuing to arrive in Cuba.

**The story added:**

Soviet encampments are being relocated and strengthened, and Soviet experts are directing Cubans in the construction of underground depots, hangars and runways.

The construction work is apparently concentrated in the main defense complex between Havana and the San Antonio De Los Banos air base, in Camaguey province, and in the Sierra Maestra area of Oriente province.

Soviet troops exclusively are doing the work and some sites are closed even to Cuban military personnel.

So far as can be determined the military equipment being brought into Cuba and the work being done fit the classification of "defensive weapons."

I felt that before a story such as that started to gain headway in this country on the basis that it might be authentic, we owed it to the State Department to really give them the opportunity to participate in this briefing this morning. I want to thank the Secretary for obliging us and I want to thank the head of the CIA, Mr. McCone, for coming up here. We did not ask him to come but he is always welcome and he is apparently coming up at the request of the State Department, which is fine with us.

**STAFF AS OBSERVERS**

I have only one other matter and I want to state this while the chairman of the full committee is here because I don't want this chairman to be embarrassed in any way because of the ruling that he has made concerning the procedure of this committee. I think my ruling is right, I haven't had a chance to talk to my colleagues but certain absent Senators who just couldn't be here this morning wanted to send their administrative assistants to this meeting, and I refused to grant that permission. It has always been my understanding, Mr. Chairman, that in our Foreign Relations Committee executive sessions Senators are not free to send their administrative assistants to sit for them and as observers. I certainly, unless I am overruled by my subcommittee, shall strongly urge that that always be the rule of procedure of my subcommittee, because frankly, in my judgment, if we ever start in this committee with all the top secret information that we handle to permit Senators, and I speak respectfully of them, to substitute their administrative assistants as their eyes and ears, at any executive meeting of this committee, we will never have any check on leaks. We don't have much anyway but you will lose all chance of checks on leaks, and that is simply, I think, a statement of reality, and not a criticism of any individual. But unless I hear some objection at this time, I am going to assume that the refusals that I have already made conform with the pleasure of the committee.

Senator MANSFIELD. Mr. Chairman, I want to say that if we acted otherwise, I would refuse to come to any more executive meetings, because they are not Senators and I don't think they are entitled to that consideration.

Senator MORSE. I appreciate that very much, coming from the Majority Leader, I think it is sound policy.

Senator AIKEN. Me, too, Mr. Chairman.

Senator FULBRIGHT. That is the policy of the full committee.

Senator SPARKMAN. I am in full accord.

Senator MORSE. I am not sure in one instance my refusal was too happily received, but I am accustomed to that reaction, too, sometimes.

Mr. Secretary, the table is yours and we will be very glad to hear from you.

**STATEMENT OF HON. DEAN RUSK, SECRETARY OF STATE, ACCOMPANIED BY JOHN A. McCONE, DIRECTOR OF CENTRAL INTELLIGENCE**

Secretary RUSK. Thank you very much, Mr. Chairman and gentlemen.

I understand the committee is interested in the first instance in the question of the possible military buildup by the Soviet Union in Cuba. I am deeply grateful to my colleague John McCone, the Director of the Central Intelligence Agency, for being here this morning. I would like, if the chairman is willing, to ask him to give the committee a full briefing on the present Soviet military situation.

Senator MORSE. We will be honored to hear him.

Mr. McCONE. Mr. Chairman, I would like to discuss the Soviet military equipment that we observed to be in Cuba prior to the 1st of July, and that which we believe and have reasonable proof is in Cuba at the present time, which will establish the relative position today as opposed to 6 or 7 months ago.

However, I would like to preface that by saying that we have Cuba under frequent aerial surveillance and, therefore, we have reason to believe that we know pretty well what is going on. In addition we have other sources of intelligence which keeps us rather currently informed but, of course, we do not have so-called on-site inspection and to that extent we are handicapped.

Nevertheless, it is our belief that there has been no substantial delivery of military equipment into Cuba by the Soviet bloc countries since October the 24th; there have been very substantial amounts of shipping, as you know.

Unquestionably I believe there have been some military items received but there has only been one instance where we have detected a full shipload of what we thought was military equipment. That was on a ship called the *Simferopol*, which we kept under observation from the time it cleared the Bosphorous. The conduct of the ship gave us reason to believe that it carried military equipment. It docked and unloaded in Havana between January 17th and January 19th. We had it under aerial surveillance. We are satisfied that it, the manner in which it, was unloaded was proof in itself that it did have military equipment. The crates were large although they were not of sufficient size to crate an offensive missile. We do not know the nature of the material that was received. The fact that it was unloaded in an excluded area by Cuban military personnel proved to our satisfaction it was military equipment.

That was the only ship which had come in since October 24 carrying military cargoes to the exclusion of all else. Other military cargo that might have been received was incidental and was for replacement and repair.

### INCREASE OF SOVIET PERSONNEL IN CUBA

Now, to go back to the situation on July 1st, as you know, there were a substantial number of items of military equipment in the hands of Cubans. We think at that time there were about 500 Soviet and bloc technicians or training personnel who were there to assist the Cubans in the operation, training for the operation, of this equipment.

The situation today is quite different. We estimate that there are about 17,000 Soviet personnel in Cuba at the present time. This number is an estimate derived from all sources of intelligence, as well as our understanding of the table or organization of the units that we have learned. Therefore, it is not based on a head count, but we think there is sufficient hard intelligence so that it can be afforded as a reasonable view of the situation.

Hence, the rise in Soviet and bloc technicians and military personnel from 500 on July 1st to 17,000 at the present time is in itself a disturbing fact.

### OFFENSIVE WEAPONS HAVE BEEN REMOVED

I will go into the specifics of the increase of the amount of equipment. However, it is our opinion that offensive weapons, including MRBM, the IRBMs and the bomber aircraft capable of reaching the United States we know of have been removed from Cuba, and our aerial surveillance has not given us evidence that any such equipment remains. How, the exception to this is MIG-21 which can reach the United States, a limited area of the United States, and I will speak of that later.

The absence of penetrating on-site inspection is impossible to absolutely prove the non-existence of offensive equipment in Cuba, but the estimate that all have been removed is considered acceptable by the intelligence community.

Except for the withdrawal of the 42 MRBMs and IRBM, the 42 IL-28 bomber aircraft, and a modest quantity of ground equipment, we have observed no withdrawal of military equipment from Cuba or no concentration of such equipment at leading points which might indicate a plan for such withdrawal.

We also have observed substantial construction of various kinds going on, the most significant being construction of barracks at four locations where we believe Soviet personnel are concentrated in units. We think this construction are barracks to house the personnel and would indicate to us an intention for their being permanently quartered.

### AIR DEFENSE SYSTEMS

We have given a great deal of thought to the air defense systems that have been created and installed. This involves 24 so-called surface-to-air-sites of the most advanced type that the Soviets have, equipped with radar and linked together with an island-wide communications net.

There are six—

**Senator MANSFIELD.** Mr. McCone, could you tell us the range of those?

**Mr. McCONE.** Yes, about 30 miles, 30 miles effective range.

Secretary Rusk. And effective altitude?

Mr. McCONE. Effective altitude from 80 to 100 thousand feet. These missiles are effective against the U-2 aircraft. There are six launching positions at each one of the sites.

We believe there is an inventory of about 500 missiles on the island. This whole system is in the hands of the Soviets. Insofar as we know the Cubans do not have access to it at all. There is some indication the Cubans are being given some modest amount of training in the communications system but none on the surface-to-air missile system itself.

#### STATISTICS ON SOVIET WEAPONS IN CUBA

Now, Mr. Chairman, to go to the specifics, so much is being said about this I would like with your permission to go into some numbers. I will give you first the figure prior to July 1st or on July 1st and the figure that we estimate today. Heavy and medium tanks, there were 160 of them in Cuba on July 1st, they have 380 today. Assault guns there were 50 July 1st, and there are about 100 today. Armored personnel carriers there were 25 July 1st, we estimate 165 today. We think these estimates are rather dependable because they are taken from a variety of photographic interpretation and which are reasonably good.

Artillery pieces ranging from 76 to 122 millimeter there were 400 on July 1st and there are 750 now. Anti-aircraft guns as such about the same although the number is quite formidable. We figured 800 July 1st and maybe as much as a thousand at the present time. They are, 30 millimeter, 37, 57 millimeter and I lumped them all together.

Now, in small arms we have no estimate of what there is now. We estimated about 200,000 on July 1st. We would assume that the inventory is undoubtedly doubled.

Motorized transport trucks ranging from one quarter ton to ten tons, there were 3,800 on July 1st, there are between 7,500 and 10,000 now. I have spoken of the SA-2 missile sites of which there are 24 with 144 launchers, and an estimated 500 missiles, they are on launching pads or in inventory. There are 4 coastal defense missile sites with 10 launchers. These missiles have a range of about 30 miles, and we estimate there are between 40 and 48 missiles on the island, either on the launchers or available.

There has been a very marked increase in the radar capability. Prior to July 1st there were some normal surveillance radars of a type used in most airports. There were no radars associated with the air defense. At the present time there are between 130 and 200 radars on Cuba, some of them of the most advanced Soviet type. Only the very most advanced of them, this is the only country in which certain types of radars have been employed, outside of the Soviet Union. There were some 20 or 25 helicopters last summer. There are about 100 helicopters now. There were 35 MIG-15 and 17 jet fighters in the summer. There are 106 now.

Senator SYMINGTON. 106?

Mr. McCONE. 106, yes, of which 42 are MIG-21. There is no appreciable increase in the complement of naval ships except for a COMAR type coastal defense vessel that carries two missiles on

each vessel. There were none of them and there are now 12 of them in Cuba.

With regard to the personnel, we estimate that 17,000 personnel are distributed as follows: 7,500 of them are for air force operations, half of which are engaged in the operation of the SAM sites, about 1,000 associated with the communications, and about 2,100 engaged in the radar and miscellaneous support activity, and perhaps a thousand of them in the operation of the aircraft.

It would interest this committee to know that of the 42 aircraft in the January 2 flyover during the Castro parade that 26 of them were flown by Soviets.

The army has about 7,500 there, of which some 6,000 are in four armored groups that are maintained in units and fully equipped with tanks and with mobile guns and troop carriers and those sort of things. The balance are in command and training Cubans. There are about 2,000 naval personnel of which about 1,000 seem to be associated with the cruise missile ships and coastal defense communications.

The MIG-21 is a very advanced fighter; the ones that are there are equipped to operate with air-to-air missiles. That plane has a range of 700 miles or a radius of operation of 350 miles if equipped with its wing tanks and carrying a normal load.

#### FREQUENT SURVEILLANCE OF CUBA

That, in general, Mr. Chairman, gives you a summary of the comparative situation as we see it. I would like to emphasize that we are keeping the island under very frequent surveillance. We think that it is productive. Although we can't prove the negative, we don't think that they have succeeded in hiding or otherwise camouflaging offensive missiles. In the absence of penetrating on-site inspection we can't be absolutely sure of the cognizance of the rumors and the reports that missiles are there and being hidden in caves and so forth. I would like to point out that it is very difficult for an uninformed person to say for sure just what type of missile he has seen, and there are several types of missiles which I have referred to which are on the island, some of them are quite large. The surface-to-air missiles are about 30 feet long and, therefore, it is very easy for an observer to say that he saw an article that was 50, 60 feet long. Our information does not support the presence of offensive missiles. But again it is a big island.

Senator MORSE. Thank you very much.

#### CAPACITY OF SURFACE-TO-AIR MISSILES

Secretary Rusk. Since I asked Mr. McCone about the altitude capability of the surface-to-air missiles we might just put into the record the estimate as to the lowest level at which they are effective because that has something to do with what could be done or what might have to be done in the event action became necessary. They are ineffective below approximately what level?

Senator SYMINGTON. I didn't hear you, I am sorry.

Secretary Rusk. We are talking about the capability of these surface-to-air missiles.

Mr. McCONE. 2,500 to 3,500 feet they are ineffective.

Secretary RUSK. In other words, there is a ceiling, but also a floor under which they are not effective against aircraft?

Senator MORSE. You can come down low then.

Senator FULBRIGHT. But the ordinary aircraft guns are effective at the low altitude.

Secretary RUSK. That is right.

Mr. McCONE. I am a little perplexed personally why they are retaining this complex of surface-to-air missiles. Certainly they are not an essential part of any defense of the island because they are located around the perimeter of the island, and very sensitive installations with their radar and their associated control equipment, they are essentially a telephone switchboard. A fighter bomber coming in low level could take them out with no warning whatsoever. I conclude, therefore, that the purpose for which they were installed and the only purpose the Soviets have in keeping them there is to ward off our high level aerial photography if they reached the decision they wished to do that. We have no evidence of that since the shooting down of the U-2 on October 27. They are not operated and they are kept under obviously close control.

Secretary RUSK. Mr. Chairman, I wonder if I might just add a few observations before we turn to questions.

Senator MORSE. Yes, sir.

#### A TACIT STANDOFF ON OVERFLIGHTS

Secretary RUSK. In connection with this last point, we in the discussions in New York with the Soviets have insisted upon the necessity of surveillance, and told them we would have to continue in any event and react if they should themselves move against our overflights. They were unwilling to accept that as one of the reasons why we did not get an agreement with them. They were unwilling to accept it publicly, but it is, I think, obvious to the committee, they have the capability of firing upon and shooting down the U-2s. They are not exercising it, so that at the moment there is sort of a tacit standoff now. That could change tomorrow morning, but they are fully aware of these overflights. They have the capability of hitting them. They are not hitting them. One of the Russians at one point, perhaps we could leave this particular remark off the record.

[Discussion off the record.]

#### OUT TRAFFIC OF SOVIET FORCES

Secretary RUSK. Now, on this matter of the Soviet forces, you will recall when I was before the committee before, I said we have been very much interested in the out traffic and we had taken up this question in phases in order to keep the out traffic going. While the missiles were being removed we did not make a sharp issue of the bombers, but when the missiles got well offshore we made a sharp issue of the bombers.

Now that the bombers have gone, we have been expecting and discussing with the Soviets the out traffic of other Soviet forces. There has been some out traffic but that seems to have slowed down. We have not taken other steps that would seem to block that out traffic or stop it. We may be coming to the end of that chapter

because as the director of Central Intelligence indicated the barracks being constructed at certain of these installations may indicate they are settling down there.

We also have been, in connection with other measures that we might take, have been interested in the recovery of the brigade and also the 23 Americans who are now being held in prisons in Cuba, some of whom are of very special interest to us. We don't know when that question will likely come to a conclusion, but we hope in the next few days we will know about that.

#### SHIPPING TO CUBA

Meanwhile we have been working intensively on the further isolation of Cuba economically from the Free World, and if the committee agrees, I would like to put into the record a little table of the Free World shipping into Cuba from July through January of this year. It shows, for example, in July, 92. It dropped down to 64 and 52 in August and September. In December it was down to 21, and thus far through January 19 there have only been six Free World ships in the Cuba trade.

[The information referred to follows:]

Free world shipping into Cuba continues to decline, as following table shows:

	July	August	September	October	November	December	January (to 19th)
Dry cargo.....	75	57	43	54	32	15	4
Tanker.....	17	7	9	11	5	6	2
Total.....	92	64	52	65	37	21	6

Twenty-five free world dry cargo ships arrived in Cuba between 20 November and 19 January. Fifteen of these were under bloc charter. Of ten tanker arrivals, seven were under bloc charter.

**Secretary Rusk.** We have done this not by imposing formal measures thus far, because that could create some very sharp issues with friendly governments who at the moment lack the legal resources to move promptly to comply. But we have been working with them behind the scenes and they with their own shipowners to reduce their shipping in the Cuba trade.

We just got a report this morning, for example, that the Greek Government has taken the next step of insisting to their own shipowners that they get all of their ships out of the Cuba trade. Their shipowners come back with the obvious question about the British and the Norwegians. The British in the period from the 20th of November to the 23rd of January had four dry cargo vessels and seven tankers. That is a total of 11, seven of which were in long-term charter to the Soviet bloc.

Now, this business of long-term charter is a complicating factor because the governments themselves do not have immediate capability of reaching out and pulling those things back.

**Senator MORSE.** The table suggested by the Secretary for inclusion in the record will be included at this point.

[The table referred to follows:]

## CUBAN TRADE WITH NON-BLOC COUNTRIES

[Value in thousands of U.S. dollars]

	1960	1961		1962	
	Exports to Cuba	Imports from Cuba	Exports to Cuba	Imports from Cuba	Exports to Cuba
United States .....	223,700	357,300	13,700.0	35,100.0	398 October.....
Canada .....	13,500	7,756	31,800.0	5,000.0	8,258 October.....
European OECD Countries:					
Austria .....		48	100.0	100.0	2 August.....
Belgium-Luxembourg .....	2,097	4,100.0	800.0	802 July.....	622 July.
Denmark .....		130	700.0	200.0	374 October.....
France .....	10,700	8,819	5,800.0	1,100.0	1,145 September.....
Federal Republic of Germany .....	14,500	12,607	11,800.0	1,900.0	3,493 September.....
Greece .....		2,544	0.0	3,400.0	NA.....
Iceland .....		186	500.0	500.0	NA.....
Ireland .....		1,630	0.0	200.0	NA.....
Italy .....		141	4,000.0	200.0	1,113 August.....
Netherlands .....	7,400	11,265	10,900.0	4,200.0	7,084 September.....
Norway .....	2,400	7,890	2,300.0	100.0	1,837 September.....
Portugal .....			800.0	0.0	8 September.....
Spain .....	10,000	7,329	4,500.0	8,700.0	676 August.....
Sweden .....		773	1,500.0	500.0	715 August.....
Switzerland .....		2,792	1,300.0	2,600.0	291 September.....
Turkey .....		899	NA	NA	NA.....
United Kingdom .....	20,700	8,482	13,200.0	15,000.0	6,269 October.....
Europe, other: Finland .....		30	300.0	400.0	340 September.....
Latin America:					
Argentina .....	531	381	324.0	15.2	NA.....
Bolivia .....	NA	NA	NA	NA	NA.....
Brazil .....	199	2,625	311.0	10.0	NA.....
Chile .....	733	814	3,414.0	10,688.0	1,938 May.....
Colombia .....	211	1,047	NA	4.0	NA.....
Costa Rica .....	100	400	NA	16.8	NA.....
Dominican Republic .....	NA	60	NA	0	NA.....
Ecuador .....	905	37	7.9	.2	NA.....
Guatemala .....	16	184	NA	34.0	NA.....
Haiti .....	0	0	NA	NA	NA.....
Honduras .....	1,619	99	287.4	17.1	NA.....
Mexico .....	1,469	907	3,464.1	215.1	401 July.....
Nicaragua .....	227	80	402.0	17.0	NA.....
Panama .....	0	180	NA	62.6	NA.....
Paraguay .....	NA	NA	NA	NA	NA.....
Peru .....	241	323	NA	65.7	NA.....
El Salvador .....	1	152	NA	8.3	NA.....
Uruguay .....	0	1,055	NA	762.5	NA.....
Venezuela .....	27,676	1,322	246.3	82.9	NA.....
Other Countries:					
Israel .....	NA	15	100.0	100.0	45 August.....
Syria .....	NA	4,231	NA	NA	2,407 August.
Egypt .....	NA	NA	6,000.0	11,600.0	NA.....
Morocco .....	NA	11,858	2,900.0	6,900.0	3,887 September.....
India .....	NA	475	0	8,100.0	1,931 September.....
Ceylon .....	NA	691	14,800.0	0	NA.....
Burma .....	NA	NA	0	0	7,902 November.....
Pakistan .....	NA	NA	4,700.0	2,300.0	417 August.....
Japan .....	6,086	NA	11,600.0	24,300.0	7,397 September.....
					33,112 September.

Secretary Rusk. I would hope to have for the committee, before too long, Mr. Chairman, some statistical information on the corresponding drop in Free World trade with Cuba. Those statistics seem to drag a bit in terms of becoming available, but there has been a corresponding drop in Free World trade with Cuba in 1962

compared with 1961. We will try to get that information to the committee as rapidly as we can.

In addition to that we have been talking with the other members of the OAS about what further measures ought to be taken with respect to Cuba, both as they might affect Cuba directly in terms of political and economic isolation or in terms of action in other countries in Latin America to interrupt the activity of agents, to counter an impact of propaganda, to stop the flow of surreptitious funds and the other elements in this behind-the-scenes fight against Communist penetration.

#### DIVISIONS IN THE OAS

We will probably be holding a meeting of the OAS within a very short period, perhaps a week or ten days, but we have encountered one problem that will be of interest to the committee on which we would be glad to have your comments.

On October 23 we had a demonstration of unanimity on the hemisphere. Now that the missiles and bombers are believed to be gone and the sharpness of the crisis is considered to be somewhat abated, some of the internal political pressures which governments have to face have begun to assert themselves, and it looks as though we may not get at least two of these OAS countries in any further action we take.

Since we have resolutions already on the books that can cover any kind of action that may be necessary, the question is whether we go for fresh resolutions that get less than a unanimity or whether we rest where we are and go ahead on the basis of assumed unanimity. That is the problem we are consulting other governments about today.

Senator AIKEN. Which two?

Secretary RUSK. It will be Mexico and Brazil at the present time primarily. We can't be completely sure about either one of them because Mexico has been moving, at least the government has been moving, pretty steadily away from Castro and they were one of the first to come in with support on the missile problem. Brazil has just reorganized its government. Their new foreign minister is the man who had been prime minister just recently.

Senator AIKEN. Who is he?

Secretary RUSK. De Lima and he is very much attached to this notion of an independent foreign policy for Brazil. So we can't be certain of Brazil.

But on the whole the attitude in the hemisphere has been extremely hopeful on these matters and shows, say, from September, 1960 at the San Jose meeting to the October 23 meeting of last year, shows enormous movement in the hemisphere on this issue. I just thought I would add those comments to what Mr. McCone says.

Senator MORSE. I know the Chairman, Senator Fulbright, has to go to another engagement so I am going to ask him to ask the questions first. But before I do, Mr. McCone, if there is any material that you wish to file for the record—you read from some tables, too—and you think it would clarify the record, you have the same

privilege that the Secretary had to insert in the record any material you cared to.

Senator Fulbright.

#### PROMISE OF AIR COVER AT THE BAY OF PIGS

Senator FULBRIGHT. Mr. McCone, I regret I have to leave. I wondered whether it would be useful if you could state very simply the situation in regard to this air cover. I get all these inquiries; I think I understand the situation as the President stated it. Do you care to say that that was a very accurate statement as to the promise of air cover in the Bay of Pigs?

Secretary Rusk. Mr. Chairman, I wonder since Mr. McCone was not there at the time and I was, I wonder if you will permit me to comment on that.

Senator FULBRIGHT. That is right, I forgot he wasn't.

Secretary Rusk. As a matter of fact, I think I am the only member of the Department not on foreign assignment who was involved in that episode.

The question of air cover breaks into two categories: One, there was never any promise of United States air cover.

Senator FULBRIGHT. By that you mean official United States planes?

Secretary Rusk. United States forces. Indeed, it was made very clear from the President at an early stage of the operation, that is in the very late phase of the plan, that there would not be any participation in Cuba by U.S. forces, and that this was to be fully explained to the brigade and the brigade should take this into account in making their own decision as to whether they wished to proceed with the operation and felt they had a chance of success.

I must confess—and we got information back from the brigade that they fully understood this, but they nevertheless did want to go ahead because they were confident of success on the basis of the information they felt they had from Cuba as well as from other factors.

Now, the thing that is puzzling to me is whether or not the commanders at the troop level in fact made it clear to their own members of the brigade that this was the situation. We know what was said to the brigade leaders, we know what they said back to us, but whether the company commanders or the battalion commanders or someone else said something different is something we, in retrospect, cannot know. So when a member of a brigade says, "We promised X," by whom, certainly not by anyone who had any authority to promise anything, and the evidence that we had at the time was quite to the contrary.

#### THE BASIC MISCALCULATION

As far as the air cover that was available is concerned, this was one of the elements which in retrospect was a part of the general mistake. There were some eight B-26 type aircraft in the hands of the brigade and those working with the brigade. I think those were piloted by some Cubans, I think we had a report at the time there was one American, Flying Tiger kind of fellow, who was flying one of them. They also had, I think, three or four transport aircraft

that would be used to take in supplies, if necessary, after the seizure of the two landing strips at the Bay of Pigs. There were no fighters involved as far as the Cuban brigades' own equipment was concerned.

This proved to be the decisive factor, because when the air strike was delivered on the 15th of April, two days before the actual landing, and there was a postponement of a strike from Monday morning until later in the day in the Havana area, the B-26s were not able to provide any air cover over the beachhead. They are not that type plane, indeed, four B-26s were lost over the beachhead from some T-33s.

In addition to that there were more planes on the island than had been nose counted ahead of time, they were in hangars. We had information later that after the strike on the 15th they dispersed planes, they hid them and indeed brought some other planes. They actually finished the actual assembly of other planes, in about two days time.

Now, this is a part of the basic miscalculation of judgment that was made as to the ability of the brigade to get ashore, seize these two air strips and then begin to operate their aircraft off these air strips in Cuba. The plan was that immediately upon seizing the air strips the planes would be based there. They would be Cuban planes operating out of Cuba, and that they would go on from there. And that is the story of the air cover.

#### COUNTERACTION AGAINST SHOOTING DOWN AMERICAN PLANES

**Senator FULBRIGHT.** One last question before I go: What do we do if they do shoot down some of our planes now, supposing tomorrow morning they shot down a couple of our observation planes.

**Secretary RUSK.** That would depend upon a decision that the President would make. But we have talked about that a great deal. We have told the Cubans and the Russians we would take counteraction. Indeed, back in September we announced publicly that we would make full use of international waters, close up to Cuba on incoming ships, things of that sort, and enforce that. Since then we have also extended that now to the overflights and the exact action would depend upon the decision of the President at the time. But we would have to react in some way.

**Senator FULBRIGHT.** That is all, Mr. Chairman, thank you.

**Senator MORSE.** Senator Hickenlooper.

**Senator HICKENLOOPER.** Thank you, Mr. Chairman.

#### CUBANS ARE WELL EQUIPPED

**Mr. McCONE,** is it a safe rough percentage, not exactly accurate but indicative, to say that as of now the Cubans have got about twice as much equipment in there, leaving out intermediate range weapons and the bombers, as they had last July?

**Mr. McCONE.** Yes, I think that is a good figure.

**Senator HICKENLOOPER.** As you went through your statistical report in here it seemed they had twice as many weapons, twice as many trucks, twice as many guns, this, that and the other, in rough estimate.

Mr. McCONE. I think in rough estimate. Some items are more than that; some items that were not there at all are now there in quantity.

Senator HICKENLOOPER. I understand, but I am just asking a rough estimate without getting into percentage.

Mr. McCONE. Yes, I think that is roughly correct.

Senator HICKENLOOPER. From the standpoint of completely sophisticated, according to present standards of sophisticated radar, detection devices, they are quite well equipped now, is that correct?

Mr. McCONE. They are quite well equipped.

#### FISSIONABLE MATERIAL IN CUBA

Senator HICKENLOOPER. The report was given me this morning, I don't know the authenticity of it, that we have detected the delivery of fissionable material into Cuba.

Mr. McCONE. I have no such information, Senator.

Senator MANSFIELD. Could you repeat that question [again] Bourke?

Senator HICKENLOOPER. I was given a report which I could classify only as rumor, I don't know the authenticity of it or the original basis, that we have discovered and detected the injection of a certain amount of fissionable material on three ships into Cuba and that it has caused considerable concern among the Joint Chiefs of Staff in the last couple or three days, they have been having meetings on it. As I say, that is the only information I have; I will tell you everything I know about it.

Mr. McCONE. I have no such information and I don't think that any such information is in the hands of the intelligence community. I would be very much surprised if it was in the hands of the Joint Chiefs of Staff. I spent all of yesterday afternoon, at least several hours yesterday afternoon, with the Chairman of the Joint Chiefs of Staff discussing among other things this very problem and he made no reference at all.

Senator HICKENLOOPER. Because this was suggested to me I am only raising the question, I have no knowledge of it. The ships are alleged to be the *Simferopol*, the *Mitchurinsk* and the *Angarskles*.

[The information referred to follows:]

[Subsequent information supplied for the record follows:]

CENTRAL INTELLIGENCE AGENCY,  
Washington, DC.

Memorandum for Hon. WAYNE MORSE,  
Chairman, Subcommittee on American Republics Affairs, Senate Foreign Relations  
Committee, U.S. Senate, Washington, DC.

1. The following information concerns three Soviet ships mentioned by Senator Hickenlooper at the 25 January 1963 hearings:

a. The *Angarskles* arrived in Havana, Cuba on 8 January 1963. From all information available, the ship carried various types of commercial cargo and in addition one transport aircraft. Receipt of this transport aircraft was reported by the intelligence community through regular reporting channels.

b. The *Mitchurinsk* arrived in Havana, Cuba on 15 January 1963. This ship is known to have carried general cargo and included in the cargo was a small quantity of radioactive isotopes which we believe are intended for industrial purposes. The shipper of the isotopes was an agency of the Soviet Union known to be exporters of industrial equipment and the consignee an organization in Cuba known to be receivers of equipment and material of this nature. Information concerning this consignment which was developed by the intelligence community on 30 December 1962

came through channels normally connected with information on industrial shipments and never known to have been used for notice of military shipments.

c. The *Simferopol* was unloaded in Havana from 17 to 19 January 1963. As the Director of Central Intelligence reported, this ship was suspected to be transporting a cargo of military equipment, and it was kept under close surveillance while enroute and during unloading. The ship was unloaded by Cuban military personnel; the cargo consisted largely of large crates which we believe contained military equipment, but none was of a size to contain large offensive missiles or aircraft.

2. It is concluded that the information given to Senator Hickenlooper to the effect that all three ships carried military cargoes, including nuclear weapon material, is incorrect. One ship, the *Simferopol*, is the ship referred to by the President in his press conference on 24 January 1963 and discussed by the Director of Central Intelligence on 25 January 1963. Analysts feel that if the radioactive substance openly mentioned as being included in the *Mitchurinsk* cargo was weapon material, its transportation would have been handled differently and quite clandestinely.

(Signed) JOHN S. WARNER,  
Legislative Counsel.

Senator AIKEN. May I ask you a question, Bourke?

Senator MORSE. Senator from Vermont.

Senator AIKEN. Isn't this report from about the same source that was so insistent that a buildup was taking place last summer?

Senator HICKENLOOPER. No, it is not. It may be. But the immediate source to me is not. It is a newspaper source to me.

Mr. McCONE. I was asked the same question when I came into the room.

Senator HICKENLOOPER. I said I have no information.

Mr. McCONE. And, of course, I will go into this immediately, but I have no such information.

Senator HICKENLOOPER. The allegation was made—I asked for a copy of this memorandum and was given it—that low flying naval patrol planes equipped with special surveillance instruments detected fissionable materials aboard three Soviet vessels docking in ports near Havana within the past two weeks. If such thing has been detected I would certainly think that you would know about it through your department.

#### SURVEILLANCE OF SOVIET SHIPS

The alleged names of the three ships are, *Simferopol*, *Mitchurinsk*, and that last name that is almost as bad as Hickenlooper.

Mr. McCONE. The *Simferopol* was the ship that I mentioned, the one ship we felt came in with military equipment. We had it under surveillance.

Secretary Rusk. I think there was one incident during the movement out of the missiles where one of our planes in low buzzing the ship felt they had picked up some radioactivity. We sent additional and more sophisticated equipment over it and were satisfied that this first report was not accurate. That was on an outgoing ship.

Senator MORSE. Just a minute. I don't think you had quite finished the statement you were making before the Secretary made his last statement.

Did you finish what you wanted to say?

Mr. McCONE. Yes, I had. I just wanted to point out that the *Simferopol* was the one ship we suspected and were satisfied it brought in some type of military equipment, but we don't know what it was.

Senator HICKENLOOPER. This matter having been suggested, I raised it.

Senator LAUSCHE. Was that a Russian ship?

Mr. McCONE. Yes.

Senator AIKEN. At what height could radioactivity on a ship be detected?

Secretary RUSK. I am not an expert to know.

Mr. McCONE. Just a very few hundred feet. But if radioactive material is being brought in a ship and with the Soviets suspecting we would attempt to detect it by means of detection devices, it would be very easy to stow the material and shield it so that it couldn't be detected.

Senator HICKENLOOPER. If they wanted to conceal it and bring it in, it would seem to me to be a comparatively simple matter to keep it from being detected.

Mr. McCONE. Put it in a shield or case that you are thoroughly familiar with.

Senator HICKENLOOPER. Put a bunch of lead around it.

Mr. McCONE. And there would be no way of detecting it at all. I couldn't conceive of their shipping a nuclear device without some shielding.

#### INSTRUCTIONS TO THE CUBAN BRIGADE

Senator HICKENLOOPER. Mr. Secretary, getting down to the Bay of Pigs invasion, we have had some hearings here on that matter and as far as I know no evidence has been developed that purely from a technical point of view nobody ever assured the Cuban invaders down there in the Bay of Pigs that "American military personnel in American uniforms with American ships and commanded by American officers would fly cover there." But weren't they given every assurance that the Cuban air force would be taken out on the ground by bombing, and that at least one and probably two of those planned and programmed raids to eliminate the Cuban or the Castro air force were called off just before the morning of the Bay of Pigs?

Those were to be manned by "Cuban personnel" or non-official personnel of the United States, and the planes were supposed to have Cubans.

Now, the public has been technically told certain facts are true, but in my view, the public has been practically deceived by these statements that have come out. I base that on conversations that I have had for a long time and kept still about. I am concerned about public information on this thing, some of it I don't think was necessary to come out, but it is out on the table right now. I am concerned about it.

Secretary RUSK. Senator, there is no question at all that this was not merely a technical communication to the brigade that U.S. Armed Forces would not be involved.

Senator HICKENLOOPER. That is right.

Secretary RUSK. This was much more fundamental and far-reaching than that. The instructions were to discuss this thoroughly with the brigade and let the brigade fully understand it and to let

them know and make a judgment on that basis whether they wanted to proceed in that operation.

Senator HICKENLOOPER. But weren't they given—

Secretary RUSK. Now, on the question of air support, I don't want to offend any airmen present, but as an infantry man, I know something about the difference between the hope and the final result in a particular and limited air strike.

The leaders of the brigade knew what their resources were. They knew they would make the strike on the 15th preceding the 17th. It was apparently in their mind planned that there would in fact also be surely a strike on the morning of the 17th.

#### SOME IMPRECISION IN PLANNING

Senator HICKENLOOPER. Wasn't it also in the over-all plan that was submitted to the Joint Chiefs of Staff for perusal that there would be a strike just prior to the landing in an attempt to take out the remaining Castro airplanes on the ground?

Secretary RUSK. One of the troubles about that is that there was some imprecision on that point at the time because apparently there was not a clear understanding as to exactly the sequence. The plan called for an immediate use of the seized airstrips at once for landing.

Now, there was, I think, an expectation that there would be the second strike and that was postponed, as the President said in his press conference.

But, that second strike, had it been delivered, would not have made a difference in the success of the operation. The first strike, the second strike together could not know about the planes that proved to be available, some in hangars, some dispersed, so you still would have had the same problem of the kind of air cover that was required in an operation of that sort, and that is fighter cover over the beach as well as persistent, repeated attacks on air fields in which Cuban aircraft could have been housed.

In other words, it was not the difference between one or two. It was the difference between one or two and many more plus air cover over the beach.

Senator HICKENLOOPER. Well now, the only planes that Castro had over the beach there, the first day or the second day, were a couple of Furies and a couple or perhaps three converted jet trainers, and some bombers, weren't they, and weren't those known about and calculated and counted before.

Secretary RUSK. Planes come out of Cuba more than and different than the nose count ahead of time indicated.

Senator HICKENLOOPER. But I am talking about the nose count that we have had testimony on here afterwards. We have a record here of this thing.

Secretary RUSK. But the point I am making, Senator, is that had the planes that had been counted been destroyed there still would have been planes over the beach from Cuba.

Senator HICKENLOOPER. I don't know about that, I mean that is like the domino operation, if this had been done or that had been done something way out at the end would probably have occurred.

It is a speculative thing. I am talking about the practical fact on the day of the invasion when they were shooting down there, the only planes that came out and were over the area of Castro so far as I can calculate were the planes that they already knew were still in existence. Where these extra planes were nobody knew. They didn't seem to show up on the day of the fighting.

Secretary RUSK. I have got to check up on numbers, it was my impression also that some of those planes were those reported to be destroyed on the 15th.

Senator HICKENLOOPER. I don't know. We have a record here on the number of planes that came out, on the types, the Furies and the jets.

Secretary RUSK. The T-33 trainers, converted trainers.

Senator HICKENLOOPER. And some converted bombers, whether they were B-24 or B-26's.

Secretary RUSK. B-26's.

Senator HICKENLOOPER. And those numbers, as far as I can understand it, actually appeared in the air. Some of which did the damage, with either rockets or fire of one kind or another on the day of the fighting and the next day. Those were the ones that were in the calculations as they understood to have remained on the airports undamaged after that April 15 raid which was the first of either three or two that would be done.

#### **CONVINCED THAT THE CUBAN AIR FORCE HAD BEEN TAKEN OUT**

Now, I have no evidence that in the plan they were assured of American official participation by air, but I am thoroughly convinced, subject always to alteration of that conviction, that these fellows were told that the Cuban air force would be taken out there that morning and there wouldn't be any Cuban air force remaining to attack them on their landing on the beach and the consolidation of their positions. Then the question of the diversionary tactic at the east end of the island—

Secretary RUSK. Which did not come off.

Senator HICKENLOOPER. Which didn't come off.

But I think maybe in this publicity hassle we are in, in connection with this matter, maybe we are talking about two different things. Some people are talking about the technically flying in Navy uniforms or Air Force uniforms and participating or whether Cuban pilots were running planes which had been furnished by the United States or even trained by the United States ostensibly and the Cuban independent movement personnel.

But I am thoroughly convinced at this moment they were assured that there would be air support to go in there and knock out those threatening Castro planes, the ones that remained, 30 percent of the so-called Castro air force which still remained. So it could be argued that both sides of this argument are right, the one from a technical standpoint—

Secretary RUSK. Senator, I think that one at least ought to bear in mind this was one of several factors in which mistaken judgments were made or estimates were made both on our side and by the Cuban brigade itself. All of which contributed to the failure, a failure for which the President has taken full responsibility. The

rate and mass of the Castro buildup against the beach was faster and greater than had been anticipated to be possible. There was, as I—

#### SHORTAGE OF AMMUNITION

Senator HICKENLOOPER. I don't have at my fingertips the exact statistics on that but they got on the beach and maintained themselves for a day and a half and then ran out of ammunition, so the buildup 10 to 100, if the ten have got the machine guns and the hundred have nothing—

Secretary RUSK. But the shortage of ammunition was related to the amount of forces against them and they used it up.

Senator HICKENLOOPER. Sure they used it up.

Senator SYMINGTON. They sank an ammunition ship.

Senator AIKEN. They had a five-knot speed boat which was so far behind the invaders they didn't have a chance.

Senator HICKENLOOPER. They sank one ammunition boat out there and turned around and went away.

Secretary RUSK. There was one ship which instead of going in in the darkness turned around and went back.

Senator MORSE. I think the ship which contained most of the ammunition was sunk by the Castro air force.

Secretary RUSK. I think that is correct.

Senator AIKEN. Mr. Chairman, I think the situation is pretty well described in the hearings we had in May in 1961, even the failure to eliminate the Cuban air force. They were supposed to strike 3 days, they struck the first day and some of the parties assumed they had got the entire air force, but they guessed wrong.

Senator HICKENLOOPER. I don't get any such assumption like that. There were other reasons for calling off this strike.

Senator AIKEN. It was called off after the first day.

#### A MORAL PROBLEM

Senator HICKENLOOPER. So far as I know, and we have had nothing presented to us that alters this, the whole evidence is that it is a fairly reliable estimate that 70 percent of the available air force of Castro was knocked out that first strike, roughly 70 percent, 30 percent of it was left. Now, you can calculate that weight of the 30 percent as you want to, you can give a greater value to the jet trainers or the Furies or bombers but in numbers about 30 percent were left.

The other strikes were to take out those, and the statements have been flatly made here in the evidence by, I believe to be, competent testimony that they knew exactly where these planes were, and that these strikes were calculated to immobilize these remaining planes. The strikes were called off. These fellows understood they were going to not have to face that strafing and harassment and difficulty by these planes because they would be taken out. Whether or not officially uniformed American soldiers and sailors would take them out with planes marked with American symbols or whether it would be taken out by other planes manned by Cubans or mercenaries or what have you, is a kind of monkey business.

**Secretary RUSK.** There was no monkey business about the discussion with the brigade on the point as to whether U.S. official forces would take part in this, none whatever.

**Senator HICKENLOOPER.** That is correct. I say there is no question about that. But there is a serious moral problem involved here in my mind as to whether or not these people were given assurance that while official U.S. personnel would not participate, that is one thing; the other side of that coin being that "Never mind, the Cuban air force will be taken out. It is going to be taken out one way or another," and these fellows were in training, they were highly trained fighters.

#### WHO GAVE THE ASSURANCE?

**Senator SPARKMAN.** Who gave that assurance?

**Senator HICKENLOOPER.** I say there is no question but what the expeditionary force was given that assurance.

**Senator SPARKMAN.** Yes, by whom?

**Senator HICKENLOOPER.** By who was planning it, the CIA or somebody else, whoever was running the show. That is pretty well established in this evidence that was the original plan and that was the plan that was called off, the last two strikes were called off the night before.

**Senator LAUSCHE.** John Sparkman raises a good question here. We never assured them, we never told them. Let's find out who the person was who was in contact with the leader of the brigade, who is the individual, and what did that individual tell the brigade. I merely make that as a suggestion, because it is constantly being said, "We never told them." Let's find out who the man is who did the speaking and with whom did he talk, and have both of them brought in.

**Senator MORSE.** Gentlemen, I want to get to these questions but I want to finish Senator Hickenlooper's questions first and then Senator Sparkman's.

**Senator HICKENLOOPER.** I don't want to monopolize any more time. You have others and we will go ahead. We will get to this after a while. I merely raised the question.

**Senator MORSE.** Senator Sparkman.

**Senator SPARKMAN.** I will continue that line of questioning briefly. I am interested. It is so easy to make these general statements that they were assured. There are some of these things that have puzzled me, and I would like to know by whom they were given that assurance.

Now, I noticed there in the paper a week or so ago, in fact the chairman put it in the record here in our committee hearings about a week ago, a statement by a brigade leader saying that they were never given such assurance. Did you see that?

**Secretary RUSK.** I saw that in the newspapers.

**Senator SPARKMAN.** Who was he?

**Secretary RUSK.** I don't have that story with me.

**Senator SPARKMAN.** Do you recall who that was? Then 2 or 3 days ago another leader was quoted out of Miami as saying that they were given the assurance. I would like to know who the two were and what their comparative responsibilities were.

### PRESIDENT CALLED OFF THE AIR STRIKE

Senator HICKENLOOPER. John, let me ask you this. This is a confusing thing. The President has admitted he called off the strikes the night before. If he called off the strikes they must have been on sometime.

Secretary RUSK. A strike.

Senator HICKENLOOPER. Or a strike. It must have been a part of the plan or it couldn't have been called off. You don't call off something that has never been contemplated. I am just talking about the whole general connotation in the picture here.

Senator MANSFIELD. Would the Senator yield there?

Senator SPARKMAN. Yes.

Senator MANSFIELD. It is my understanding after reading the record, I did not attend the hearings unfortunately, but the strike that was called off was not an air strike covering the invasion but a strike against one of the Cuban air fields inland prior to the invasion.

Secretary RUSK. In the Havana area, that is correct, Senator.

Senator MORSE. That is correct.

Senator HICKENLOOPER. That is correct.

Secretary Rusk. But the President pointed out in his press conference yesterday that he had postponed that to the afternoon. Now, the idea was that you would get these planes onto those strips immediately and that they would be operating out of Cuba. They would be Cuban planes operating out of Cuba. It is relevant to bear in mind that the first strike on the 15th presented us with a massive political problem throughout the world, because the involvement of the United States was no longer concealed and perhaps never could have been concealed.

The situation in the United Nations was highly explosive. Ambassador Stevenson did not have to involve himself in this particular question because it was apparent for all to see. We were faced with a situation that could be roughly compared to the Suez reaction in most of the rest of the world on this situation. It was very important at the earliest possible moment to get these planes operating off those strips in Cuba by Cubans as a Cuban matter. This was the hope and expectation on that first day because they were getting ashore, they did get the strips, and this was also a part of the plan from the beginning.

Senator MORSE. Senator Sparkman?

### AN UPRISING OF THE CUBAN PEOPLE

Senator SPARKMAN. Mr. Chairman, I am rather lost here. I recall a hearing that we had in this committee back in 1960, I don't remember the date, at which time Mr. Allen Dulles of the CIA described to us just what was taking place, the training of this force down in some of the Central America countries. My recollection is that he said at that time that the whole plan was based upon the idea that when these people got ashore and were able to get inland there would be an uprising of the Cuban population.

Senator SYMINGTON. He denied that without reservation when he came before the committee in 1961 and said that the CIA never felt that way at any time.

Senator SPARKMAN. I think we can show in the record in 1960 that was the testimony.

Senator SYMINGTON. I think he is completely mistaken.

Senator SPARKMAN. I think he was the one who, if I remember correctly, gave the testimony, and I noticed this statement.

Senator MORSE. I want to give an order to the staff. Mr. Marcy and Mr. Holt, I instruct the staff to make note of this comment of the Senator from Alabama and I instruct you to proceed to do some research on the testimony of Mr. Dulles on his two appearances before this committee referred to by the Senator from Missouri and the Senator from Alabama and report at a later date.

Secretary RUSK. Mr. Chairman, I also testified on this in May 1961, before this committee.

Senator MORSE. And furnish a memorandum.

#### COUNTER-REVOLUTIONARY ACTIVITY

Senator SPARKMAN. May I continue: In the paper either of last night or the night before last there was a short news item in which President Eisenhower made a similar statement, if I construe it correctly. Did you see that statement?

Secretary RUSK. I only saw reference to the guerrilla—

Senator SPARKMAN. Reference to what?

Secretary RUSK. His anticipation that this group would conduct a guerrilla operation.

Senator SPARKMAN. That is what I mean, counter-revolutionary, guerrilla activity, and my impression has always been that is the kind of an operation that was contemplated rather than one that was based upon seizing and holding territory. I may be entirely wrong. But as I say, I am confused by these strikes and calling them off and putting them on and so on and so forth.

Secretary RUSK. Mr. Chairman, I testified before the committee on earlier occasions that the idea was that the brigade would go ashore get these two strips and hoped that an initial success would stir reaction in other parts of Cuba. That if they failed in that brigade type action they would then resort to guerrilla action.

Senator MORSE. I remember that very clearly.

Senator SPARKMAN. Yes.

Secretary RUSK. This was an alternative which was very much in mind. The brigade had been trained as a brigade. I think its guerrilla training had perhaps not been emphasized as much as its brigade training and I think it is also retrospect likely that the brigade did not make a decision early enough to move toward guerrilla action because by that time the Castro forces had got themselves in a very powerful position at the beachhead. I testified on that on May 1, 1961.

Senator SPARKMAN. I would be interested in seeing that 1960 testimony, because I can be wrong in my memory, but that is the way I remember it. I won't take anymore time, Mr. Chairman.

Senator MORSE. Senator Aiken?

#### ARRESTS IN CUBA

Senator AIKEN. I have only one question relating to the past, and a couple which relate to the present. Assuming that there was no

promise to the brigade in the Bay of Pigs that they would have air cover, are we to understand that the United States Government left the decision to the brigade as to whether they would advance or not, knowing that they would not have air cover?

**Secretary Rusk.** That is the instruction that went from Washington to which we had a direct reply. We were told from the brigade leadership that they were to be told very specifically that they would not have the participation of U.S. armed forces in this operation at the beach or in Cuba or over Cuba, and that the question was then put to them, "Under that condition do you wish to go ahead and do you think you will succeed," and they came back and said, "We understand that and we think we ought to go ahead because we think we will succeed."

You see, one thing we got into a kind of descending circle here, Senator, was that the brigade did not have a chance to succeed unless there was reaction on the island. Reaction on the island was not likely to be stepped off until it seemed apparent that the brigade was succeeding. Now, this created a situation where the two pieces just didn't fit, and this was part of the combination of the failure. I testified before the committee in May of 1961, that partly because this covert operation turned out in prospect to be about as overt an operation as the world has ever seen in terms of flagging it in advance in terms of newspaper stories and things like that out of Guatemala and other places that immediately Castro's internal security forces moved to arrest tens of thousands of people throughout the island. I testified that it is entirely possible that those arrests immediately broke the possibilities of the very reactions that were required for the success of the brigade.

**Senator HICKENLOOPER.** Those arrests did not occur until after the landing.

**Secretary Rusk.** They were arrested as soon as it was clear that the landing was taking place, immediately, you see, and I think the internal security capabilities of the Cuban regime were underestimated.

This was part of it, and it is difficult now after so much has happened to go back and recover the atmosphere of the situation at the time. I have earlier testified that there was a race here, as seen at that time, between the discontent of the Cuban people on the one side, and the capabilities of this authoritarian regime to impose instruments of control. One of the reasons for taking the very considerable risk that was known to be taken at the Bay of Pigs was the longer you waited the longer that apparatus of control would be in position to prevent that situation inside from occurring.

#### WHY THE SECOND AIR STRIKE WAS CALLED OFF

**Senator MORSE.** I am not taking time to ask questions but as chairman I would like to direct the discussion. I would like to make this very brief statement in the record for the parties to comment on; senators as well as the Secretary and Director. It seems to me that it should be said at this point that the question is not whether the brigade was assured the Cuban air force would be taken out. It was part of the invasion plan that the Cuban air force would be

taken out, but this part of the plan along with many other parts failed.

In any military operation nothing can really be assured by anyone. The real question, therefore, is why the second air strike that we have discussed this morning was called off. This is probably not the critical factor in the failure of the invasion but it is the only question that has not yet been answered before this committee. There need not be a discussion about it, but I do think the administration ought to clear up that question.

I am sorry, Senator, but I wanted to get it into the record so they would know it is still pending.

#### ARMAMENTS WITHIN RANGE OF GUANTANAMO

Senator AIKEN. Apparently they made the mistake of leaving some very important decision to the Cuban refugees themselves at that time. But I am somewhat concerned about the President, too, and from Mr. McCone's statement of what we believe the arrangements in Cuba to be at the present time, I would judge that Cuba has become one of the stronger military bases in the world today, even assuming the offensive weapons—

Mr. MCCONE. Certainly in the Western Hemisphere.

Senator AIKEN. In the Western Hemisphere and it has been reported, I think in the press, that fortifications, part of them in the Sierra Maestra mountains, are within range of the Guantanamo base, that is not more than 30 miles, 25 miles.

Secretary RUSK. Some of the armaments are within range of Guantanamo. We know of no actual gun emplacements that are within range of Guantanamo.

Senator AIKEN. Castro hid his revolutionists in those mountains for some years without getting caught or even found and they could do the same thing now.

Senator HICKENLOOPER. He was in touch with the New York Times all the time, though.

Senator AIKEN. That is right. He had press conferences, I believe, most of the time he was there.

#### REMOVAL OF MISSILES FROM TURKEY

But there is something else that I think may be raising criticism and that is the announcement of yesterday we are withdrawing our missiles from Turkey. The public will just think back to October when removal of missiles from Turkey was laid down by Russia as one condition for removing their missiles from Cuba. When was the decision made to remove the missiles from Turkey?

Secretary RUSK. Senator, this question has been up for some time. I first talked with the foreign minister of Turkey about removing these Jupiters in April 1961.

Senator AIKEN. Yes.

Secretary RUSK. It was known that these Jupiters were then relatively obsolete and would become more a burden than anything else.

As far as the October 27th message is concerned, the President rejected that straightaway on the very date that it came out. But you will recall that the Joint Atomic Energy Committee, I don't

know, Senator Hickenlooper, perhaps you or any other member of the committee could help determine whether this should be in this record or not, but the Joint Atomic Energy Committee had itself been very critical two years ago about these Jupiters in Italy and Turkey and urged that it be—

Senator HICKENLOOPER. They weren't very quiet about it.

Secretary RUSK. Well, the report was classified, but it did leak at the time. You can be very sure Mr. Khrushchev did not propose substituting Polaris for Jupiters.

Senator AIKEN. No.

Secretary RUSK. And this is connected with our modernization of our nuclear striking capability, with the phasing out of Jupiters in Turkey, the removal of Corporals for Sergeants in Italy; the movement from lesser aircraft to F-104's in Turkey, and the entire program of modernization of NATO forces, and it was pointed out to Mr. Khrushchev at the time that this is a NATO problem. These things are related to the NATO-Warsaw Pact confrontation, and would not be mixed up with the Cuban situation.

Senator AIKEN. And we do not plan to substitute land-based Polaris for that?

Secretary RUSK. No, sir.

Mr. McCONE. Mr. Chairman, can I make just one additional remark?

Senator MORSE. Mr. McCone.

Mr. McCONE. In the fall of 1960 I visited the bases with a subcommittee of the Joint Committee on Atomic Energy. I became convinced at that time that these Jupiter missiles should be removed and replaced with Polaris submarines, which had become operational at that time, and improved.

I made a very strong recommendation to President Eisenhower in that regard, and it was seriously considered. Whether in the fall of 1960 it was discussed with the Italians and the Turks I do not know.

It was felt, however, in the councils of the higher administration officials that it presented some internal political problems to those countries. However, it was apparent as early as that that the system was obsolete and had to be replaced early.

#### CONNECTION OF MISSILES IN TURKEY AND CUBA

Secretary RUSK. This matter did come up in connection with our thinking in the Cuban matter early in October in a wholly different context. We were considering, as you know, the necessity of a strike against these missiles in Cuba. The most immediate and, shall we say, relevant retaliation by the other side might have been conventional strikes against these missiles in Turkey.

Now, had we struck the missiles in Cuba this would have, except for this capability, thrown the nuclear decision to the Soviet Union. In other words, these vulnerable first strike type weapons accessible to Soviet conventional capability proved to be a drag on us at the time of the Cuban decision because we just did not know what way this thing would escalate, given an opportunity for an immediate and similar retaliation.

Senator AIKEN. I am not questioning the substitution of Polaris for Jupiter, but simply pointing out that the public is bound to tie in the Khrushchev message of October with the announcement—

Senator HICKENLOOPER. Of course, there is no question in my mind that it furnishes propaganda grist for Khrushchev's mill. I agree, I remember the argument, and I remember Mr. McCone's arguments and arguments of others that they were useless and should be removed. He has held that position for a long time, and he was very early in it, and I certainly agree.

Senator AIKEN. With the Chairman's permission I yield to the Senator from Montana.

#### TIMETABLE FOR REMOVING MISSILES FROM TURKEY

Senator MANSFIELD. I just want to ask a question to get this matter cleared up. Is it a correct statement to say that these negotiations with Turkey and other countries were under way at the time the Soviet Union made their proposal, and because they made their proposal we reacted in the negative and, perhaps, the decision was delayed because of that factor? I do not know, I am just asking.

Secretary RUSK. The reaction was negative because we could not connect what was a NATO problem with the Cuban business. But, on the other hand, we did not think we should delay the substitution of Polaris for Jupiters because of the Cuban affair, because we may have another crisis coming down the track here, say, in regard to Berlin. We want to get these forces modernized as rapidly as possible.

Senator MANSFIELD. Then Khrushchev's proposal did not interrupt the timetable?

Secretary RUSK. That is correct.

Senator MANSFIELD. Thank you.

Secretary RUSK. Remember Khrushchev's proposals did not even make a reference to the Italian missiles. There was some reference to bases generally in his October 27 letter, but it had no reference to the Thors. In other words, this is not the basis of any deal or agreement. It is not in Khrushchev's interest to make the arrangements that we now contemplate.

Senator AIKEN. We decided to take the missiles out anyway, why didn't we get a quid pro quo from Khrushchev? Did it look as if we were soft in the eyes of the world?

Secretary RUSK. No. If we put Polarises in the Mediterranean it would be very hard to trade this kind of modernization for a quid pro quo.

Senator AIKEN. The way I understand it, the Italians want to manufacture their own Polaris. They are not asking for missiles. All they want are the blueprints.

Secretary RUSK. I hadn't heard that, if that is so. I would have to check on that.

Senator AIKEN. I do not know. I was asking you.

Secretary RUSK. Mr. Fanfani<sup>1</sup> did not take that up with us when he was here.

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<sup>1</sup> Italian Prime Minister Amintore Fanfani.

**Senator AIKEN.** Mr. Fanfani did not take that up?

**Secretary RUSK.** I do not think so. I do not know. Do you?

**Mr. McCONE.** I do not know that he did.

**Senator AIKEN.** I do not know.

**Secretary RUSK.** This would surprise me in terms of their manufacturing capabilities.

**Senator HICKENLOOPER.** May I just ask the Secretary, your statement is then that the removal of the missiles from Turkey—of which I approve, don't misunderstand my position—was in no way, shape or form, directly or indirectly, connected with the settlement, the discussions or the manipulation of the Cuban situation?

**Secretary RUSK.** That is correct, sir.

**Senator AIKEN.** Just one other question.

**Secretary RUSK.** You see, this will have to go to NATO for NATO approval.

#### SITUATION IN PANAMA

**Senator AIKEN.** I get disturbing reports about conditions in Panama at this time. Assuming that the Panamanian Government should change or that they should even elect a Communist Vice President—I believe there is someone down there who has a pretty good chance of being elected—that would become another Cuba. Would we permit that to proceed to the extent that armament has taken place in Cuba or are we looking to that possibility?

**Secretary RUSK.** Senator, we are, and one of the demonstrations with respect to that occurred in the case of the Dominican Republic where, in order to forestall either a Trujillo bloodbath or an extremist takeover, we placed the American fleet offshore there.

May I, at the risk of being presumptuous before a committee of such distinction—

**Senator MORSE.** There is no such risk here.

**Secretary RUSK.** I wonder if I could make a general remark that is not involved in this area here at all?

#### A SERIES OF MISTAKES ABOUT CUBA

If we are concerned about Cuba, the Cuban story is a long story. January 20, 1961, is not a magical date. The United States has made a series of mistakes about Cuba. President Eisenhower and Secretary [Christian] Herter have taken full responsibility for everything that happened up to January 1961. President Kennedy and I have taken full responsibility for everything that has happened since January 1961. I am not in any sense inclined to criticize President Eisenhower and Secretary Herter about things that were done or not done before January 1961, and they have been exceedingly restrained and careful about criticizing what has happened since January 1961, because I think both pairs have seen the complexity and the agony of the judgments that have to be made in matters of this sort, particularly matters which may or may not require the use of the armed forces of the United States, with the ramifications that go all over the world when this happens.

This Cuban matter is a serious question for the United States. It has brought us up to the very edge of the incineration of the Northern Hemisphere. I would hope that we get to the answers to

these questions that the committee is interested in, but I hope we can find a way not to let this entire Cuban story, from its start to its finish, be an occasion for our ripping each other apart at a time when we need maximum unity to get our job done in regard to the Soviet bloc.

**Senator HICKENLOOPER.** Mr. Chairman, may I answer that?

**Senator MORSE.** Yes.

#### REMARKS BY THE ATTORNEY GENERAL

**Senator HICKENLOOPER.** Then I would suggest that these voluntarily offered statements such as the Attorney General made the other day when he didn't have to do it, stirred these things up. This thing was rather quiescent. That statement stirred it up, and I think now that it has stirred up, we had better go to the bottom of it.

**Secretary RUSK.** My remarks covered everything involved.

**Senator HICKENLOOPER.** Because, in my opinion, that statement created an entirely false impression in the minds of the American people, and while I have had considerable discussion with a lot of people, as you well know, and others, I haven't said much about this thing. But I am not about to stand still and be pushed around by things that I know are not quite creating the right knowledge on the part of the American people, and that was not done by any dissident group, so far as I know of. The Attorney General undertook to come out of a clear sky and make that statement which, I thought, was unnecessary. He opened up this Pandora's box for full investigation, and I did not instigate this investigation at all.

I have not attempted to, but, you know, it is two-way street on this business.

**Secretary RUSK.** I realize that, sir.

**Senator HICKENLOOPER.** And there are a lot of things about this that are very interesting, and including Panama, which I did not get into. There are some things in Panama that I would like to talk to you about.

#### PERMITTING REFUGEES TO MAKE AMERICAN POLICY

**Senator MORSE.** May the chairman only say this, and I will be glad to hear from the Senator from Missouri. It is the opinion of the chair that what the Secretary of State has just said ought to be pretty carefully pondered by all of us who have the responsibility of being responsive to responsibility in these critical days. No good is going to be served by our re-fighting the Cuban mistake through two administrations, because if we get off here on a partisan front, there are going to be charges and counter charges of mistakes in two administrations, and I just do not think our security can stand that at the present time.

I do not want to spend any time discussing it now, although at a later date I think we should. I am disturbed about another matter, and I asked for a memorandum, to have some research done by the committee staff. I am very much concerned about whether or not foreign policy is going to be determined by Americans and by responsible people in our government and responsible organizations who owe their first allegiance to the government or if we are going

to permit a group of refugees and exiles in this country, to whom we have granted sanctuary—and I thoroughly agree they should have sanctuary—to continue as some of them are doing, to stir up foreign policy issues and work with various organizations, private organizations, in this country to scatter confusion among the American populace as to what American policy is or should be.

I am passing no judgment now. I am only simply saying I do not think we are very far away from having to make perfectly clear to people to whom we have given sanctuary, that sanctuary does not permit them to intervene in American foreign policy, and I seriously doubt if we should tolerate any longer these leaders down here. They have got about 200 factions stirring up a lot of dissension in our country, which I interpret to mean that they think we ought to go to war with Cuba, and we ought to follow their advice about it.

#### AVOID PARTISANSHIP

That is another matter. But I think, gentlemen, this is a very delicate balance this morning as to whether or not—I know exactly what Senator Hickenlooper has in mind, and I think he knows me well enough to know that I do not want any partisanship in this, whether it is Democratic or Republican.

Maybe some orders have to go out for some people in positions of responsibility to be responsive to it by letting the President of the United States and the Secretary of State comment on foreign policy no matter how high they may be in the administration in other departments. But that is for the President to determine.

But, gentlemen, I just do not think we would be doing anything else than playing into Russia's hands if we have a so-called "great debate" over who made what mistake in Cuba, because you will never be able to exclude a Republican administration from that analysis either, and no good purpose is going to be served. I hope through this committee we can use our good offices to try to get the sea quieted down.

**Senator HICKENLOOPER.** Mr. Chairman, I will just say that I was not a party to restirring this thing up.

**Senator MORSE.** I did not imply you were.

**Senator HICKENLOOPER.** No, I understand that. It has been stirred up, so far as I am concerned, and I think foreign policy ought to be as nearly unanimous as we can conscientiously make it on all sides. But if it is going to be stirred up, I am not going to back away from discussing it.

**Secretary RUSK.** I certainly agree with that.

**Senator LAUSCHE.** I concur with what the Chairman has said. He is, in effect, repeating the words which I uttered repeatedly at the time of the U-2 event. I said it is my country, my country right or wrong, and I will stand by it. But I was ridden over roughshod, and the U-2 incident was made a political football, which should not have happened.

**Senator MORSE.** Of course, the Secretary of State has not stirred it up; Mr. McCone has not stirred it up, and the Pentagon Building has not stirred it up. All I wanted to do was to find out what the quality of oil would be that it is going to take to calm the waters.

**Senator LAUSCHE.** I concur with what you said about it.

**Secretary Rusk.** Mr. Chairman, I can assure you I know no one in the administration who has attempted to claim any partisan benefit from the Bay of Pigs episode.

#### A STAFF STUDY

**Senator SPARKMAN.** Mr. Chairman, if I may make just a suggestion, and this is probably something which should be considered by the full committee rather than by the subcommittee. You know we got into a hassle in something similar to this in reference to the Middle East situation back in 1957, and the committee at that time reached a decision, and the State Department cooperated with us, making the entire files available with reference to dealing with that situation. The staff did a study of it. It seems to me that if we get to this point of hassling over this we might go all the way back to the beginning of the Batista trouble, say, 1952, somewhere along there, and let the staff study the documentation during that whole time.

Here was the outcome if I remember correctly, in the 1957 staff study: The committee was satisfied, and it was agreed by Senator William F. Knowland, representing the minority, Senator Fulbright, that the whole matter just be dropped.

**Senator HUMPHREY.** We looked at the volumes of documents and—

**Senator SPARKMAN.** And nobody cared to look at it.

The staff did make a study of it, and I just throw that out as a suggestion that might be decided on by the full committee.

**Senator MORSE.** Senator Carlson.

**Senator CARLSON.** Nothing right now. Let some of the other members ask questions.

**Senator SPARKMAN.** Carl Marcy reminds me that Senators Fulbright and Knowland, the two who were really heading it up, spent many long hours going through the files. It was we individual members who did not spend too much time.

**Senator MORSE.** Senator Humphrey.

**Senator CARLSON.** Let me just make this point. I just asked Carl Marcy for this. This is just a summary of a transcript of the 2 New York Times reporters, the chairman presided, and it was a very interesting discussion. I am going to read that transcript on it, and I urge the other members to read it, those members who were not present.<sup>2</sup> It was quite a discussion.

**Senator MORSE.** Senator Humphrey.

#### SITUATION IN HAITI AND THE DOMINICAN REPUBLIC

**Senator HUMPHREY.** My main concern, Mr. Chairman, and Mr. Secretary, is not with what was done, because I think you put your finger on it, I do not know anybody who has profited from the Bay of Pigs fiasco, and I do not know anybody who is very happy about the rise in power of Fidel Castro, and there is plenty of blame for everybody if anybody wants to get to wallowing around in the soup; there will be plenty of blame for all parties. But what is more im-

<sup>2</sup> Testimony of Tad Szulc and Max Frankel, June 22, 1961. See Volume XIII, Part 2, pages 235-70, of The Historical Series.

portant, it seems to me, is, number one, what is our continuing policy on Cuba which, I think, would be very helpful if we would have stated as clearly and as succinctly as possible. I think it is rather clear, but it means repetition.

Second, what do we do in case of a subversive take-over in Haiti which, I think, is surely probable or at least within the realm of possibility?

Third, as Senator Hickenlooper, I believe, and Senator Aiken both pointed out so wisely this morning, the growing problems of Panama which are, I am confident, being given very careful consideration in the Department, but about which so little is known by Members of Congress or by the public?

And, finally, what is going to be the future of the Dominican Republic? These are the areas that I think we ought to be looking toward. If we get ourselves fastened down into a detailed review of pre-Castro, post-Castro or the Batista-Castro era, we will be studying ancient history, and it will do exactly what it always has done before, it will result in a partisan wrangle and harangue that will not be very educational or helpful. In the meantime, none of us will really get the information we need on what, I think, and this is just one Senator's opinion, what I think are really tough problems coming up.

The situation in Haiti is becoming explosive. It is right next door to the Dominican Republic, it is just a few miles from Cuba. There are many people who worry as to whether or not they can have a democratic form of government in the Dominican Republic despite the elections that took place.

I am worried about these matters, and what I think we need is to get our government concentrating on a coordinated policy of common objectives on Cuba, the Latin American countries, particularly the Caribbean nations and ourselves, the Haiti situation and the Dominican Republic. I, for one—and I want to go on record as saying so—think it is a complete waste of time to go back over this old ground. I think Bourke Hickenlooper is right. I do not know what the Attorney General made his statement for, I am not trying to defend him. I just do not think it proves anything anyway. All it proves is that we sure got a lot to learn.

So I would hope that we might concentrate our attention under the chairmanship of Senator Morse who, I think, also made a very wise comment on the matter of the refugees to whom we have given sanctuary. They do not run this policy. They should be treated with dignity and respect, but this business of stirring up the masses and multitudes and harassing our government in the most critical time of our history has got to come to a halt.

#### WORK OF THE SUBCOMMITTEE

SENATOR MORSE. The Senator from Minnesota has really outlined the work of my subcommittee that the full committee authorized, as you remember, before we adjourned last fall, and about which I am in close contact with the chairman of the full committee. As the Senator from Alabama has pointed out, I think the full committee has great responsibility, too, and any hearing that we have

every member of the full committee will be invited to it to participate in it fully.

I have to work out with the Secretary so that we are not trespassing upon their precious time a work schedule here where we can conduct this study. I shall always call it a study, in regard to this whole matter of U.S. relations with Latin America, with reference to the Alliance for Progress and, of course, with these trouble spots which include not only Cuba but Panama, the Dominican Republic, Haiti and, possibly a couple of other points.

The Senator from Missouri.

#### SITUATION IN HAITI

**Secretary RUSK.** Mr. Chairman, may I make a very brief comment on Senator Humphrey's remarks—

**Senator MORSE.** Yes.

**Secretary RUSK** [continuing]. About these 3 trouble spots? They are indeed trouble spots. Panama is uncertain in this electoral situation. Haiti is the sinkhole of the hemisphere, and is very dangerous there, and we have been working on that quite intensively. It is not easy to deal with Duvalier, and find alternatives to him that have any opportunity of taking hold there. May this be off the record?

**Senator MORSE.** Off the record.

[Discussion off the record.]

**Senator MORSE.** The Senator from Missouri.

**Senator SYMINGTON.** Thank you, Mr. Chairman

#### REMOVAL OF MISSILES FROM EUROPE

First, I think it is very instructive of the chairman to call this hearing and, secondly, I agree entirely with the statement made by Secretary Rusk a few minutes ago, although I must say I think there is great merit in the position taken by Senator Hickenlooper.

Now, on these Thors and Jupiters in Europe, in 1959 I went to England and recommended that the Thors get out of there. I agree that the Jupiters in the other two countries were in the course of going out of England, and they certainly should have gone out. I am glad to hear that they have no relationship with the Cuban situation.

#### PLANES IN CUBA

The question of the postponement, I think, is clear, that is, the postponement of the second strike. For the first time this morning I learned about some planes we did not know about and, therefore, if the Secretary would be good enough to put in the record what planes we thought were there and later on what planes we found were there, I would appreciate that, because that is part of the story that I did not know.

**Secretary RUSK.** Those predicted to be there and those reported to be destroyed on the first strike, and those that turned up later?

**Senator SYMINGTON.** Yes, any planes that turned up later that were not known to be there, that is new one on me.

Senator MORSE. I will request the Secretary to insert in the record a memorandum based upon his research, and it is so ordered.

Senator SYMINGTON. Thank you, Mr. Chairman.

#### CONCERN ABOUT POLARIS

There is a great deal of talk about the Polaris. There is a book out called "The Tenth Fleet" on the submarine picture, and I hope we do not get lulled into thinking that the Polaris is the answer to everything, because we plan to put about \$12 billion into it. The day they perfect underwater detection, it is going to be just as hard to detect as a turtle going across a sunny road.

Some of the military decisions that have been made disturb me a great deal. I do not want to put all of my eggs into a basket of thirty-mile-an-hour boats, especially when you get into that question, and especially electromagnetic impulses in the atmosphere. I hope we do not get into a Maginot Line of thought on that and try to sell that to the Allies. That is what this committee might be primarily interested in.

What I am worried about, Mr. Secretary, and we have not discussed that very much, because I think we have been flogging a dead horse this morning—on the other hand, I think my friend from Iowa is entirely correct when he says that it was not flushed by the oposition.

#### A TREMENDOUS MILITARY BASE IN CUBA

But the past is the past, and based on the figures that Mr. McCone has given us this morning, it is just as clear as light to me that the Cubans are building a tremendous military base 90 miles from the United States.

A year ago last June, they flew a supersonic bomber in operations quantities in a show. They could refuel at sea, and use these bases as staging bases just the way we plan to use bases in Africa, and so forth. They have got the supersonic fighters that are just about as good as anything we have got. I think the figure Mr. McCone gave us was 42, and they also have, he said, 160 MIG's. That is a whale of a big air force, and they have also, I think he said, 7,500 airmen who are there, and half of those might be handling these MIG's. I think we ought to find out more about this buildup, because nobody can do anything about what happened in the past—I could not agree with you more—that whatever the mistakes are they have been made. But from the standpoint of the future, especially when the Director talks about this business of putting nuclear stuff in without our being able to detect it, these are the types and character of things, I believe we ought to get into, because if they get a solid military base in Cuba, Mr. Chairman, it seems to me that is something that is going to cause some apprehension.

That is all I have to say about it. It is the future in which I am interested a great deal more than about who made the mistakes in the past. This military buildup in Cuba disturbs me a great deal.

**Senator MORSE.** The Senator from Ohio. When the Senator from Ohio finishes, the chairman has reserved his questions, but he has a few questions.

#### LEAKS TO THE PRESS

**Senator LAUSCHE.** Number one, in these hearings with the Secretary, I would like to obtain information of what the military posture of Cuba is. My questioning in the last two meetings was directed to that purpose, and only to that purpose. My judgment is that if we are to take care of the future it is necessary to know what the military strength is in Cuba.

Now then, this is a matter of importance, and I want the chair to listen to it. I have said nothing about what is supposed to transpire in these executive hearings. Last week, after we had our meeting with the Secretary, a columnist carried a story that four Senators, Lausche, Symington, Aiken and Hickenlooper—

**Senator MORSE.** And Morse.

**Senator LAUSCHE.** It did not say Morse.

**Senator MORSE.** My name was in the column.

**Senator LAUSCHE.** Senator Morse's name was in the column, when Senator Morse was fighting against the invasion while Lausche and others were fighting for it.

I never uttered one word in the direction of invasion. I specifically said that it should not be. But Senator Humphrey was given credit for doing the job of keeping things on the track, and four or five of us—

**Senator HICKENLOOPER.** I was pictured as giving the Secretary a hard time.

**Senator LAUSCHE.** I pledge that when I come into these meetings I will say nothing to anyone about what transpires, and I have the right to expect from my colleagues that they will not speak. But if they do speak they should speak the truth, and not the falsehoods. So there were 2 grave errors committed. One, the breach of confidence and, secondly, the misstatement of the fact.

**Senator MORSE.** If the Senator will dwell on this for a moment, because I think it should be out on the table, is it the opinion of the Senator from Ohio that when one or two of his colleagues—

**Senator LAUSCHE.** I am not casting reflections on anyone.

**Senator MORSE.** My name was in the column.

**Senator LAUSCHE.** The column is there, and it has in quotation marks what was said paragraph after paragraph.

**Senator MORSE.** If the senator from Ohio wants my word of honor, he has it.

**Senator LAUSCHE.** I am not asking it.

**Senator MORSE.** I have never talked to Drew Pearson; I never talked to anybody else, and I give you my word of honor. I want to say, and let us get it on the table, I do not know whether that was the meeting or some other meeting, there was some joshing in the Senate dining room later about some statement that I made that I had made a pledge in my campaign that I was going to speak more in this session of the Congress than I did in the last, and I told the committee I was going to start with my speech on NATO. That is the only thing that the Senator from Oregon ever said about the

meeting, it was said in good humor. I do not know who was there, and I am not sure whether or not you were there when I was kidding about it in the dining room.

**Senator LAUSCHE.** You and I have been kidding about that for a long time.

**Senator MORSE.** I am going to deliver on that. But I want this committee to know, because I do not like my name in his column, but I want this committee to know that—I remember the column now, it sort of gave the impression I was fighting Goliath—I want you to know that I had no conversation about it.

**Senator SYMINGTON.** Will the Senator yield, as long as he mentioned my name?

**Senator MORSE.** Yes.

**Senator SYMINGTON.** Will the Senator from Ohio yield?

**Senator LAUSCHE.** I yield.

#### SECRETARY WAS NOT GRILLED

**Senator SYMINGTON.** I felt very badly about that column, Mr. Secretary, because when I was out in my State I made a flat denial on the TV program that the President had agreed not to invade Cuba unequivocally was the implication, you see. The St. Louis Bar put 3 Republicans, and they were all concerned on the subject and, therefore, I got quite a lot of criticism and argument resulting from that questioning, and my answer was as I have stated. So I was anxious to find out, along with the Senator from Ohio, what the facts were, and I think the Secretary knows that I have no intention in any way of grilling him.

You cannot find out about these things unless you ask. It was a classified, executive meeting. I believe the Secretary remembers I congratulated him on his forthright testimony when it was over, and I felt very badly about it. I have read the record afterwards carefully, and I am certain that he did not feel, as I am sure members of this committee including my friends from Ohio and from Iowa feel, that there was any grilling done. If we cannot get the information in here, we had better fold up this setup and start a new one.

The only other point I want to make is that I think it was said, and that I was the number one preventive war advocate in my party. I have never advocated preventive war. Based on the rapid closing of the overall security gap that we might be in, in our favor, I sure am not in favor of it now.

I thank the Senator from Ohio for letting me make my statement.

**Senator MORSE.** That is an accurate statement of your position.

**Senator SYMINGTON.** Thank you, sir.

**Senator LAUSCHE.** I came in here about 10:30. Did Mr. McCone testify about his understanding dealing with the military position of Cuba now? That is in the record?

**Secretary Rusk.** In some detail.

**Mr. McCONE.** Some detail, Senator.

**Senator LAUSCHE.** I can get that out of the record.

## CONTACT WITH THE CUBAN BRIGADE

Now, secondly, with whom were the conversations carried on? Who was in contact with the head of the Cuban Brigade, was it the Secretary of State or the Secretary of the Army? Who actually carried on the talk? That is only one question I would like to ask. Mr. McCone, can you answer that question?

Mr. McCONE. No; I cannot, sir, because I was not here at that time. Perhaps the Secretary of State can.

Secretary RUSK. Unfortunately I cannot as of today identify these individuals because as soon as the subject left the room in which we were talking about it, given what we thought were the highly secret nature of these activities, we lost contact with it, and it went through channels that I frankly do not know. We will try to get it.

Senator LAUSCHE. That is the upper echelon people did not talk with these Cuban Brigade leaders?

Secretary RUSK. That is correct.

## STATE DEPARTMENT DID NOT LEAK STORY

Mr. Chairman, could I be privileged to make a very short comment on some of the earlier remarks because I do want to express my great appreciation for the constant consideration I have received from this committee. I have never felt I have been put upon. Indeed, if I have any impression it is that the members of this committee are thankful that they do not sit in my chair. I do appreciate that. So far as this recent episode is concerned, I am confident myself it did not come from the State Department or the two of us here. If we had leaked it would not have been to leak that story. [Laughter.]

Senator MORSE. I have a few questions to tie up this briefing. I and some of the staff have prepared these questions.

## SOVIET PLANES TO CUBA

The Russians are flying nonstop from Russia to Cuba with planes capable of carrying 100 passengers, we are told. Do we know what these planes carry, and how often they fly?

Senator McCONE. I would like to give you any information we have on this subject in a memorandum.

Senator MORSE. Fine.

Mr. McCONE. I just do not have it available. I can give you the facts on all planes that have gone from the Soviet Union to Cuba and non-stop, whether by stopping or non-stop.

Senator MORSE. The memorandum will be made a part of the record of this highly classified transcript this morning.

[The information referred to follows:]

CENTRAL INTELLIGENCE AGENCY,  
Washington DC, January 28, 1963.

## MEMORANDUM

Subject: Soviet Civil Air Route to Cuba.

1. The Soviet civil airline, Aeroflot, inaugurated its first regularly scheduled flight from Moscow to Havana via Murmansk on 7 January 1963. The flight by a Soviet TU-114 four-engine turboprop transport opened the first Soviet air route into the

Western hemisphere and is billed by Moscow as the "world's longest regular non-stop air service." A roundtrip flight is now scheduled to be flown once a week rather than twice as announced initially by the USSR.

2. The new route goes north from Moscow to Murmansk and from there, after a stop for refueling, direct to Havana over neutral waters of the Norwegian and Greenland Seas, the Danish Straits, the Atlantic Ocean and the Straits of Florida—a total distance of more than 6,500 miles. The route does not pass through the airspace of Western countries, but the Soviets have requested the use of navigational and weather aids from Norway, Iceland, Canada, the UK and the US. The flight from Moscow to Havana is covered in about 16 hours flying time; the return trip from Havana to Moscow is shortened to about 14 hours because of favorable winds. By flying nonstop from Murmansk the USSR avoids the problem of obtaining overflight and landing rights from Western countries. These rights became increasingly difficult for the Soviets to obtain after the Cuban crisis erupted last October.

3. Although frequently alleged to be an undependable aircraft, the TU-114 probably is fully capable of servicing the Moscow-Havana route. Maintenance difficulties, which are common to this transport—the largest commercial aircraft in use, may present some problems, however, and Moscow has announced they are assigning five aircraft to the Cuban route, possibly in anticipation of such difficulties. For the flight to Cuba the passenger load has been reduced to 60 from the normal 170 in order to carry more fuel. In addition, up to 17,000 pounds of freight could be carried depending on the fuel load. Previously the only regularly scheduled TU-114 service was on a route connecting Moscow and Khabarovsk in the Soviet Far East.

#### DELIVERIES TO CUBA

**Senator MORSE.** I am told by the staff, Mr. McCone, that the New York Times claims that it checked the story with CIA in advance of publication and that CIA confirmed the Times' facts as substantially accurate. In view of the fact that we started out this hearing this morning by putting that Times story in the record, I would like to ask you that question for whatever comments you want to make.

**Mr. McCONE.** It is my understanding that some, but not all, of the actual figures in that story were checked. Some of them were erroneous, and they were so advised. The manner in which the article was headlined and the lead sentences, were misleading as much as they would give the impression that the delivery was taking place currently or over the last two or three months; whereas, as I testified earlier, the deliveries took place between the first of July and October 24, the date of the quarantine, and there has been only one ship that has gone out and delivered military equipment in quantity since that time.

**Senator MORSE.** It seems to me your testimony earlier given itself shows in some respects that the story did not have the facts accurately stated.

#### INTELLIGENCE REGARDING CUBA

**Mr. Director,** in general terms, and we are not asking you to be specific, what sources of intelligence does the United States have in regard to Cuba other than aerial photography and refugees?

**Mr. McCONE.** [Deleted].

**Senator MORSE.** There are some anti-Castro underground movements in Cuba with which we maintain close intelligence contact?

**Mr. McCONE.** That is correct, and there is recent information reported as recently as today, that there is considerable agitation in some of these underground movements within Cuba; there are riots and discontent and an expression of discontent by dissident groups.

We had a report yesterday, a report that there were 21 people executed in a particular area. We are inclined to believe that that report is authentic in view of the fact that we know that that was a dissident movement.

Senator SPARKMAN. You mean these were executed by Castro?

Mr. McCONE. That is right. It comes down pretty hard on that.

#### EARLIER CONCERNS ABOUT MISSILES IN CUBA

Senator MORSE. Mr. Secretary, you testified last week that most policy officers in the executive branch had been so sure that Khrushchev would not put missiles into Cuba that they failed properly to interpret intelligence reports from Cuba. Isn't there a real danger now that our policy people are so sure that Khrushchev has suffered a defeat in his Cuban policy that we do not give adequate weight to intelligence reports from Cuba?

Secretary Rusk. Senator, since I have been reviewing the record much more closely in the last few days, I will have to modify that subject.

First of all, I discovered I myself in May 1961 talked about the threat of a possible missile base in Cuba, and that was one of our deep concerns about it; and I also have learned that in terms of some of these preliminary reports that might have pointed the way toward a larger missile, supposing that came in after the judgment I referred to in my last meeting, so I do think if we have learned one lesson, one among many in this whole affair, it is that we cannot take anything for granted with respect to Cuba and Khrushchev.

Mr. McCone's agency, for example, takes every one of these news reports, rumors that come in, and immediately runs them down to find out what the basis for it is, the origin, what the substance of it is, and we try to stimulate the entire intelligence community and every other resource we have to be sure we are not caught unaware again.

#### MORE DEBATE IN THE INTELLIGENCE COMMUNITY

Senator MORSE. Mr. Secretary, might it be a good idea to bring in some skeptics to analyze the intelligence reports from Cuba, those who are disagreeing with some of the interpretations that the government is making of them?

Secretary Rusk. My impression is that there is the most vigorous discussion and debate in the intelligence community where there are differences of evaluation. I know Mr. McCone is very alive to this, and discusses this freely with the top policy officers, so we are under no illusion that a particular judgment is necessarily 100 percent fact.

Senator MORSE. I am a little concerned in view of some recent events—I do not need to particularize—as to whether or not there is any danger that a dissident or one that does not go along with what he thinks may be the policy of his superiors, is going to be subject to criticism if he stands up and is counted, so to speak, in some discussions within our government. I do not happen to share that view. But there are those who wonder if in the National Security Council or in the State Department or in the CIA or in the

Pentagon Building, he can be classed as a skeptic about some proposal, whether he is free and encouraged to express his dissension or whether we are running the danger, because of recent events, that if you have a contrary opinion you keep still?

**Secretary Rusk.** Mr. McCone may wish to add to my own comment on this. In the Department of State, one of the purposes of my morning staff meeting every day is to insure that we have full discussion and opportunity for the dissidents to express their views on policy or otherwise. I think this makes far more profitable a meeting, and I do believe my colleagues understand that taking me on is a perfectly fair game, and that they are invited to do so.

I also have noticed in reports prepared by the intelligence community and interdepartmental groups that the dissidents' views, if there are any, are usually expressed, and I do not believe there is any suppression because that would frustrate the purpose of the exercise. But there is always a danger that those down the line may feel they are not wholly free, and one of our problems of administration is to insure that these channels of thought and communication be kept open.

**Senator MORSE.** I know that is the case, but I wanted to make it part of the record because you have got people around here who, because of the recent Stevenson episode are of the opinion that the best way around here is to keep still. This last Alsop article, his second attack on Stevenson is the one I am referring to.

I am not interested in what those facts are, to be frank with you, because I have said from the beginning, let us assume he said all he is supposed to have said. He ought to have said it if he thought there was some basis for raising it for discussion. That does not mean he is not going to support the final policy. I do not care whether it is Stevenson or X, Y, or Z. They ought to raise all the alternatives. But once you agree on a policy then we all go on it together.

**Secretary Rusk.** Yes.

**Mr. McCONE.** I would like to add just one comment to what the Secretary has said in connection with your last question. Within the intelligence community since I have been the Director of Central Intelligence, I have encouraged rather than discouraged open debate. I have insisted that estimates and memoranda be footnoted with dissenting viewpoints.

The Intelligence Board meets every Wednesday morning, and it is seldom that we produce an estimate that does not have some footnotes of where there is disagreement. I prefer to do that so that the disagreement is brought out than to attempt to adjust to the different views into something that represents a compromise. That is a firm policy I have.

#### DISAGREEMENT BETWEEN CASTRO AND KHRUSHCHEV

**Senator MORSE.** I am almost through, gentlemen, with my questions. But we have heard a great deal in committee and out of committee said about the possibility of a growing disagreement between Castro and Khrushchev. If it is true that they are at swords' points, how is it possible that Khrushchev would want to keep 17,000 Russians still there?

Secretary Rusk. I think that the marriage is still basically intact between Castro and Khrushchev, although there have been tensions between the two, certainly very high tensions during the crisis in October and during Mr. Mikoyan's visit to the island.

I think that it is possible—and this is something which we are watching very closely—if these Soviet forces that were there remain they may be there to reinforce the control of the Communist apparatus, not only as between the regime and the people but also between elements in the regime. We have indicated to the Russians that if this leads to a Hungary type operation this will not be accepted in this hemisphere.

I think there have been tensions, but I do not believe that those are approaching the breaking point yet. I do not know whether they will, in fact, reach a breaking point. There has been some flirtation between elements in the Castro regime and Peiping, and this has not helped their relations with Moscow.

Mr. McCONE. I would like to add, Mr. Chairman, that this is a matter that the intelligence community follows very closely, and our opinion as of the present time concurs with the statements made by the Secretary. I think it is pretty well borne out by not only our intelligence sources but also the public statements.

Senator MORSE. Therefore, we ought to also keep in mind that when the State Department is negotiating with Khrushchev in regard to other matters elsewhere in the world it may very well increase that breach between Khrushchev and Castro depending on to what extent, depending on the extent to which, we are successful with him in reaching understandings elsewhere.

Mr. McCONE. That is correct.

#### SPANISH-SPEAKING AGENTS

Senator MORSE. Mr. McCone, are you satisfied that we get real hard intelligence based on competent Spanish-speaking agents in Cuba?

Mr. McCONE. Not fully satisfied, no. It is very difficult.

One thing that Castro, under Soviet guidance, has succeeded in doing is to create quite a firm police state, and it is very difficult for our agents to operate because of his system of informers.

Senator MORSE. I ask this because of the constant references to the adequacy of our air coverage, and because of the reports that are coming out from some of these refugees in exile who are speaking to some people in quite emphatic terms about what was or was not promised, which disturbs me. I was to the Democratic Women's Dinner the other night and spoke on the Alliance for Progress, and there was a very, very prominent Cuban exile there, and I was aghast at the lengths to which he went prior to the meeting in talking to me about what we ought to do.

I was very polite to him. I did not express an attitude at all. In fact, I led him on because I had heard he was a man who had been a high political figure in Cuba under Batista, but had gone over to Castro at the beginning and now was anti-Castro, and I could not talk to him without my being convinced that he seems to be motivated by a desire to get us into war.

## A NATION'S RIGHT TO BUILD ITS DEFENSES

My final question goes to a question of international law that has puzzled me throughout all this. Under international law any nation, Communist or free, has the right to build its defenses. Isn't this part of the trouble we had with Mexico and Brazil because, Mr. Secretary, we had to deal with their legalistic approaches at Punta del Este. You remember you sent me to meet with one of them and Hickenlooper with the other to see if we, as lawyers, could argue with them about their legalistic approach.

Aren't we in a very difficult position here that a Communist nation has the right to build its defenses, and that is all they are going to claim that Cuba is doing? And as long as she stays on this side of the line with her defensive buildup she is within the framework of international law?

**Secretary Rusk.** Senator, I suppose if you look at just the general propositions of general international law that this would be correct. I believe, and we have a memorandum on that which we will be happy to send to you, that where security matters are concerned, the Rio Treaty is the law of this hemisphere; that here is a treaty of which Cuba is a member, which has established geographic boundaries for dealing with security questions by the decision of the hemisphere.

[The information referred to follows:]

### MEMORANDUM

- I. Legal basis for quarantine of Cuba
- II. Legal basis for United States air surveillance of Cuba
- III. United States obligation to aid Cuba in case of attack
- IV. Cuba's status vis-a-vis Rio Treaty
- V. Swiss representation of United States interests in Cuba
- VI. Status of James B. Donovan and the Logan Act

#### I. LEGAL BASIS FOR QUARANTINE OF CUBA

Article 6 of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) reads as follows:

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent".

Twenty-one countries, including Cuba, are parties to the Rio Treaty and none has disaffirmed it.

On October 23, 1962, the Council of the Organization of American States meeting as the Provisional Organ of Consultation resolved:

"To recommend that the member states, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance [Rio Treaty of 1947], take all measures, individually and collectively, including the use of armed forces, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent".

Pursuant to this resolution, a quarantine against the shipment of offensive weapons to Cuba was imposed by the United States with the assistance of other American States. At the same time the Council directed that the Security Council of the

United Nations should be informed of the contents of the resolution in keeping with Article 54 of the Charter of the United Nations.

As explained in the attached memorandum on "The Legal Basis for the Quarantine of Cuba", prepared by the Office of the Legal Adviser of the Department of State at the time of the imposition of the quarantine, the resolution of the Council of the Organization of American States, acting as the Organ of Consultation, and the quarantine imposed pursuant thereto, are consistent with the Charter of the United Nations. More recent analyses of the legal questions involved are contained in articles by the Legal Adviser and by the Deputy Legal Adviser of the Department of State. A copy of the latter is attached. A copy of the Legal Adviser's article, published in the current "Foreign Affairs" will be supplied.

## II. LEGAL BASIS FOR UNITED STATES AIR SURVEILLANCE OF CUBA

As a general matter, under international law the air space over the territory of a state is subject to the sovereign power of the state. The state controls entry into its air space and intrusions without its consent are unlawful. This general rule is, however, subject to any modifications to which a particular state may agree. In the case of Cuba, these include the Rio Treaty.

In its resolution of October 23, 1962 (quoted, in part, above) the Council of the Organization of American States, acting as provisional Organ of Consultation under the Rio Treaty, unanimously agreed to recommend that the member states, in accordance with Articles 6 and 8 of the Rio Treaty, take all measures including the use of armed force, to insure that Cuba could not continue to receive military supplies which might threaten the peace and security of the continent and to prevent the missiles with offensive capability from ever becoming an active threat to the peace and security of the continent. By the same resolution the Council also agreed "to call for the immediate dismantling and withdrawal from Cuba of all missiles and other weapons with any offensive capability".

The overflights are directly related to the objective set forth in the Resolution of October 23. That resolution was aimed at not only immediate dismantling and withdrawal of present missiles, but also assurances that Cuba could not continue to receive military supplies which might threaten the peace of the continent.

Furthermore, the resolution authorized "all measures" in accordance with Articles 6 and 8 of the Rio Treaty. Article 6 (quoted above) provides that in the event of a conflict or other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures to be taken for the common defense and for the maintenance of the peace and security of the continent. Article 8 of the Rio Treaty provides:

"For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force".

Since the use of armed force is specifically included as one of the measures under this provision, it is clear that less severe measures, such as aerial surveillance, are also included. The facts of these overflights and the photographs resulting therefrom were before the Council when it considered the resolution of October 23. The member countries acted in the anticipation that these flights would continue pursuant to the resolution and as a means of carrying out the provisions of the resolution.

Aerial surveillance of Cuban military activity including overflight of Cuban territory is also consistent with the Charter of the United Nations. Article 2 (4) of the United Nations Charter sets forth the principle that:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations".

Photographic surveillance is not a threat or use of force. Nor is the provision of Article 53 of the Charter which states that "no enforcement action" shall be taken under regional arrangements without the authorization of the Security Council applicable since aerial surveillance is not "enforcement action" as that term is used in Article 53. Moreover, no organ of the United Nations has in any way called this practice into question.

### III. UNITED STATES OBLIGATION, UNDER THE RIO TREATY, TO AID CUBA IN CASE OF ATTACK

Under Article 3 of the Rio Treaty, a treaty to which both the United States and Cuba are parties, the contracting States agree that an armed attack by any State against an American State shall be considered as an attack against all American States, and that each contracting State shall assist in meeting the attack. The Article also provides that on the request of the State directly attacked and until the decision of the Organ of Consultation of the Inter-American System each contracting State may determine the immediate measures it may take to fulfill the obligation to assist in meeting the attack. Article 17 states that the Organ of Consultation shall take its decision by a vote of two-thirds of the contracting States and Article 20 provides that no State shall be required to use armed force without its consent.

In the event of an "armed attack" on Cuba, one of the relevant considerations in determining United States action would be the fact that Cuba has persistently defaulted on its obligations under the Inter-American system. The report of the Inter-American Peace Committee adopted by the Eighth Meeting of Consultation of Foreign Ministers of the American Republics at Punta del Este in January, 1962, stated the conclusion that "no member state of the Inter-American system can claim the rights and privileges pertaining thereto if it denies or fails to recognize the corresponding obligations". As a consequence, the Eighth Meeting of Consultation declared that the present Government of Cuba has voluntarily placed itself outside the American system and resolved that that Government is incompatible with the principles and objectives of the Inter-American system, and is excluded from participation in that system.

In view of the above, it is questionable whether Cuba could invoke the Rio Treaty in case of attack, and whether the Organ of Consultation would take any action under the treaty if Cuba did invoke it. Furthermore, each contracting state must determine what measures it will take until the Organ of Consultation has met and agreed on collective measures by a two-thirds vote, and in no event may a state be required to use armed force without its consent.

In the last analysis the extent of the United States obligations under the Rio Treaty cannot be decided in the abstract. The question would have to be decided in the light of all the facts and circumstances of a particular case. Some of the important facts to be considered would be the type of attack, what country made the attack and the nature of the Cuban Government at the time.

### IV. CUBA'S STATUS VIS-A-VIS RIO TREATY

Cuba is a party to the Rio Treaty. She has not denounced the treaty and remains bound by its terms.

### V. SWISS REPRESENTATION OF UNITED STATES INTERESTS IN CUBA

The Swiss Government represents the United States interests in Cuba with the consent of the Government of Cuba pursuant to a protocol between the United States and Switzerland, signed at Habana January 6, 1961, after the United States severed diplomatic and consular relations with the Government of Cuba on January 3, 1961.

The Representation by one government of the interests of another government in a third country is a recognized practice in international relations. In the case of the Swiss representation of United States interests in Cuba, it consists primarily of performing various functions relating to the protection of United States citizens and the property of United States citizens in Cuba, providing assistance regarding the estates of deceased United States citizens in Cuba, receiving and transmitting passport and visa applications, performing notarial services, etc.

While there are no diplomatic and consular relations between the United States and Cuba, the termination of those relations did not result in a cessation of recognition of the Government of Cuba by the United States. The United States continues to recognize as the Government of Cuba, the Government of which Fidel Castro is Premier, and, accordingly, the Government of the United States holds the Castro Government responsible as a Government for its acts.

### VI. THE STATUS OF JAMES B. DONOVAN AND THE LOGAN ACT

In his negotiations with the Castro Government regarding the release of the Bay of Pigs prisoners, James B. Donovan acted as a private citizen and as general counsel for the Cuban Families Committee, a private group which was engaged in negotiations for the release of the prisoners beginning in the summer of 1961 and which

was the successor to the Tractors for Freedom Committee, also a private group organized for the same purpose. Mr. Donovan had no authority to speak for the United States Government nor to represent the United States Government.

The Logan Act (18 U.S. Code, Section 953) provides that "Any citizen of the United States, . . . who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than \$5,000 or imprisoned not more than three years, or both".

Mr. Donovan's activities do not constitute a violation of the Logan Act. There was no dispute between the United States and Cuba in regard to the prisoners since, although the United States deplored their retention, there were no formal efforts by the United States to obtain their release. Mr. Donovan's negotiations with the Cuban Government were not, therefore, "in relation to any disputes or controversies with the United States, or to defeat the measures of the United States".

**Secretary Rusk.** Now, we do not make too much of it because it has certain, perhaps, sarcastic overtones, but, in fact, as a strict legal matter, Cuba is bound by the resolutions of the OAS. It has not withdrawn its membership. It has taken no steps to denounce the treaty. It has agreed to accept the decisions of two-thirds of the hemisphere with respect to the security of this hemisphere.

One could make—it may be a little sterile—but one could make the legal argument that these overflights, for example, are an obligation of Cuba under the Rio Pact.

So that I think we would have to examine the legal aspects of the security system arranged in this hemisphere by all the members of the hemisphere, including Cuba, before we could exhaust the legal aspects of it.

**Senator MORSE.** I close by saying that I want you to know that I think my committee can be of great help to the State Department in getting ourselves thoroughly briefed on the international law aspects of this. I want to get myself in a position where I can answer this Communist influence in any other Latin American country that wants to hold to this legalistic approach to this problem.

I think you may have some problems in the United Nations about it, too, so I am going to have Dr. Marcy to be of assistance to me, and any help the State Department can give this committee in keeping our buildup of strength on the international law answers—

**Secretary Rusk.** Right.

**Senator MORSE** [continuing]. To some of the Communist claims would be of real service.

#### STUDY OF U.S.-LATIN AMERICAN RELATIONS

I close, gentlemen, by saying that we can go ahead, not on this coverage business, but we are going to go ahead on our study of U.S.-Latin American relations.

Some members of the committee may ask in due course of time that we have somebody from the Pentagon Building or somewhere else come in before the committee, but I will keep you informed, Mr. Secretary, of the progress of this committee, because one thing this Chairman is going to insist upon is that all people who appear before us understand that it is the Secretary of State, acting for the President, who is in charge of the American foreign policy, and that this committee is never going to, as far as I have any power to

influence it, to do anything that will weaken the position of the State Department in the field of American foreign policy. I think I demonstrated that many times and tried to again in this hearing this morning.

I happen to think that this Cuban thing has created a good many critical problems for us, not the least of which is the critical problem of American public opinion.

I think we ought to be of assistance to you in trying to get the American people to be reassured that American foreign policy is being handled on a nonpartisan basis, in keeping with what you have heard me say so many times, it being our duty to see to it that partisanship does stop at the water's edge.

We have this matter—my colleagues have left and are out of your presence—of the transcript of record that the committee made in the so-called Cuban investigation shortly following the Bay of Pigs. I am still of the opinion that it should be kept secret. I have invited Senators to come and read it. I still think it is the best document on the subject, and that a reading of it does not justify any partisan attack.

I wish that you would have somebody over in the State Department refresh themselves on that document, and at a later date advise us, depending on future developments, if you think any part of it ever should be made public or if you ought to take it and expurgate it, as we have other top secret hearings, eliminating parts of it and make that part public.

The trouble with that is I do not think there would be much left if you followed that course of action with this document. But you can be pretty sure that there has been this public discussion of the existence of the document, there will be increasing demands for more and more of it to be publicly discussed, and I would like to have somebody in the Department take a look at it.

I close, gentlemen, by saying that we appreciate this very much. I will close the meeting on the same basis I started it, that it was a briefing. It was an excellent one, and I thank you very much.

Secretary Rusk. Thank you, Mr. Chairman. We are grateful to you.

[Whereupon, at 12:15 p.m., the subcommittee adjourned.]

